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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 80]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.324 *Grapefruit Regulation 80*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239)),

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)),

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit), or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit)

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-575; Filed, Jan. 17, 1947; 8:46 a. m.]

[Tangerine Reg. 61]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.325 *Tangerine Regulation 61*—(a) *Findings.* (1) Pursuant to the

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

[1] P. L. O. 339.

amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended),

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅝ inches; capacity 1,726 cubic inches), or

(iii) Any tangerines, grown in the State of Florida, which are of a size larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅝ inches; capacity 1,726 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-576; Filed, Jan. 17, 1947; 8:46 a. m.]

[Orange Reg. 103]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.323 *Orange Regulation 103*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Except as otherwise provided in paragraph (b) (2) of this section:

(1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239), or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a

standard pack (as such pack is defined in the aforesaid United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09))

(2) During the period specified in paragraph (b) (1) of this section, no handler shall ship any oranges which are included in the variety comprising Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type:

(i) Which grade U. S. No. 1 Russet, U .S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F R. 13239) or

(ii) Which are of a size larger than a size that will pack 176 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09))

(3) As used herein, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-577; Filed, Jan. 17, 1947; 8:46 a. m.]

[Grapefruit Reg. 42]

PART 955—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.303 *Grapefruit Regulation 42*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) During the period beginning at 12:01 a. m., P s. t., January 19, 1947, and ending at 12: 01 a. m., P s. t., March 2, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the U. S. Standards for California and Arizona Grapefruit, issued by the United States Department of Agriculture, effective March 15, 1941, or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point outside thereof in Canada, any such grapefruit which are of a size smaller than $3\frac{9}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit) except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said U. S. Standards for California and Arizona Grapefruit: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{9}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of the size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-578; Filed, Jan. 17, 1947; 8:46 a. m.]

[Lemon Reg. 205]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.312 *Lemon Regulation 205*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be be handled during the period beginning at 12:01 a. m., P. s. t., January 19, 1947, and ending at 12:01 a. m., P s. t., January 26, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601)

Done at Washington, D. C., this 16th of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: January 12, 1947. Regulation Period No. 205. 12:01 a. m. Jan. 19, 1947, to 12:01 a. m. Feb. 2, 1947]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	0.000
American Fruit Growers, Fullerton	.482
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.429
Consolidated Citrus Growers	.034
Corona Plantation Co	445
Hazeltine Packing Co	.984
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.009
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.271
Ventura Pacific Co	1.187
Total A. F. G.	4.841
Arizona Citrus Growers	.139
Desert Citrus Growers Co. Inc	.099
Mesa Citrus Growers	.109
Elderwood Citrus Association	.107
Klink Citrus Association	4.503
Lemon Cove Association	1.358
Glendora Lemon Growers Association	1.010
La Verne Lemon Association	.380
La Habra Citrus Association	.885
Yorba Linda Citrus Association	.274
Alto Loma Hts. Citrus Association	462
Etiwanda Citrus Fruit Association	.254
Mountain View Fruit Association	438
Old Baldy Citrus Association	1.202
Upland Lemon Growers Association	3.478
Central Lemon Association	.460
Irvine Citrus Association	1.197
Placentia Mutual Orange Association	.853
Corona Citrus Association	.287
Corona Foothill Lemon Co	1.406
Jameson Co	738
Arlington Heights Fruit Co	479
College Heights Orange & Lemon Association	1.697
Chula Vista Citrus Association	1.118
El Cajon Valley Citrus Association	.600
Escondido Lemon Association	6.525
Fallbrook Citrus Association	2.545
Lemon Grove Citrus Association	.577
San Dimas Lemon Association	1.436
Carpinteria Lemon Association	1.828
Carpinteria Mutual Citrus Association	2.441
Goleta Lemon Association	2.974
Johnston Fruit Company	6.162
North Whittier Heights Citrus Association	1.612
San Fernando Heights Lemon Association	2.698
San Fernando Lemon Association	1.564
Sierra Madre-Lamanda Citrus Association	1.675
Tulare County Lemon & Grapefruit Association	7.477
Briggs Lemon Association	1.058
Culbertson Investment Co	467
Culbertson Lemon Association	.966
Fillmore Lemon Association	1.429
Oxnard Citrus Association No. 1	.619
Oxnard Citrus Association No. 2	3.917
Rancho Sespe	.427
Santa Paula Citrus Fruit Association	2.512
Saticoy Lemon Association	2.761
Seaboard Lemon Association	2.280
Somis Lemon Association	.465
Ventura Citrus Association	1.098
Limoneira Co	739
Teague-McKevett Association	426
East Whittier Citrus Association	714
Leffingwell Rancho Lemon Association	.328
Murphy Ranch Co	1.225

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Whittier Citrus Association	0.742
Whittier Select Citrus Association	.436
Total C. F. G. E.	85.566
Arizona Citrus Products Co	.005
Chula Vista Mutual Lemon Association	1.347
Escondido Co-Op. Citrus Association	729
Glendora Co-Op. Citrus Association	.226
Index Mutual Association	.278
La Verne Co-Op. Citrus Association	1.554
Libbey Fruit Packing Co	.032
Orange Co-Op. Citrus Association	.193
Pioneer Fruit Co	.032
Tempe Citrus Co	.102
Ventura Co. Orange & Lemon Association	1.972
Whittier Mutual Orange & Lemon Association	.136
Total M. O. D.	6.671
Abbate, Chas. Co., The	.054
Atlas Citrus Packing Co	.023
California Citrus Groves, Inc., Ltd.	.003
El Modena Citrus, Inc	.132
Evans Bros. Pkg. Co.—Riverside	.187
Evans Bros. Pkg. Co.—Sentinel Butte Ranch	.203
Foothill Packing Co	.000
Harding & Leggett	.478
Orange Belt Fruit Distributors	1.351
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.073
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.202
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.193
Western States Fruit & Produce Co	.018
Total independents	2.922

[F. R. Doc. 47-560; Filed, Jan. 17, 1947; 8:45 a. m.]

[Orange Reg. 161]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.307 *Orange Regulation 161*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 19, 1947, and ending at 12:01 a. m., P. s. t., January 26, 1947, is hereby fixed as follows:

(i) *Valencia organes.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 600 carloads; (b) Prorate District No. 2, 600 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10253) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 161. 12:01 a. m. Jan. 19, 1947, to 12:01 a. m. Jan. 26, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	1.6729
A. F. G. Porterville	2.2330
Cooperative Citrus Association	7141
Dollemyer, W. T.	.5592
Elderwood Citrus Association	1.2301
Exeter Citrus Association	3.0741
Exeter Orange Growers Association	.6513
Exeter Orchards Association	1.1191
Hillside Packing Corp	1.6479
Ivanhoe Mutual Orange Association	1.1500
Klink Citrus Association	4.7135
Lemon Cove Association	1.5001
Lindsay Citrus Growers Association	2.7934
Lindsay Coop. Citrus Association	1.4537
Lindsay District Orange Co	1.4560
Lindsay Fruit Association	1.9931
Lindsay Orange Growers Association	1.3383
Naranjo Packing House Co	.9335
Orange Cove Citrus Association	2.7044
Orange Packing Co	1.1475
Orcal Foothill Citrus Association	1.3377

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Paloma Citrus Fruit Association	1.1746
Pogue Packing House, J. E.	7222
Rocky Hill Citrus Association	2.1416
Sanger Citrus Association	3.1799
Sequoia Citrus Association	.8711
Stark Packing Corp	2.4148
Visalia Citrus Association	6698
Waddell & Son	1.9474
Butte County Citrus Association, Inc	.8519
James Mills Orchard Corp	1.1698
Orland Orange Growers Association, Inc	6969
Baird-Neece Corp	1.7922
Beattie Association, Agnes M	6072
Grand View Heights Citrus Association	2.0572
Magnolia Citrus Association	2.2477
Porterville Citrus Association	1.3926
Richgrove-Jasmine Citrus Association	1.4846
Sandilands Fruit Co	0000
Strathmore Coop. Association	1.7240
Strathmore District Orange Association	1.6705
Strathmore Fruit Growers Association	1.2227
Strathmore Packing House Co	1.4097
Sunflower Packing Corp	2.0382
Sunland Packing House	2.7055
Terra Bella Citrus Association	1.3505
Tule River Citrus Association	1.1656
Jensen, M. N.	2.3632
Kroells Brothers, Ltd	1.5414
Lindsay Mutual Groves	1.8388
Martin, J. D.	1.1258
Stivers Packing Co	7715
Woodlake Packing House	1.7122
R. M. C. Porterville	1.9834
Abbate Co., The Chas.	.9223
Anderson Packing Co., R. M.	7367
Baker Brothers	.1033
California Citrus Growers, Inc., Ltd	1.8323
Chess Company, Meyer W.	0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.4798
Furn, N. C.	.3437
Ghianda Ranch	0227
Harding & Leggett	1.4283
Lo Bue Bros.	4516
Marks, W. & M.	4682
Raymond Bros.	.1390
Reimers, Don H.	0000
Rooke Packing Co., B. G.	3.3221
Snyder & Sons Co., W. A.	.8339
Toy, Chin	.0000
Webb Packing Co., Inc.	.0000
Western States Fruit & Produce Co.	0000
Wollenman Packing Co	7920
Woodlake Heights Packing Corp.	.8873
Zaninovich Bros., Inc.	6809

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3432
A. F. G. Fullerton	.0554
A. F. G. Orange	.0393
A. F. G. Redlands	.3415
A. F. G. Riverside	.8233
Corona Plantation Co	.9654
Hazeltine Packing Co	.1027
Signal Fruit Association	7055
Azusa Citrus Association	.9479
Azusa Orange Co., Inc.	.1317
Damerel-Allison Co	1.1757
Glendora Mutual Orange Association	.4796
Irwindale Citrus Association	.3448
Puente Mutual Citrus Association	.0471
Valencia Heights Orchards Association	.1984
Glendora Citrus Association	0.7792
Glendora Heights O. & L. Growers Association	.1475
Gold Buckle Association	3.3282
La Verne Orange Association, The	5.3106
Anaheim Citrus Fruit Association	.0608
Anaheim Valencia Orange Association	.0165
Eadington Fruit Co., Inc.	.3379
Fullerton Mutual Orange Association	.2589
La Habra Citrus Association	.1449
Orange Co. Valencia Association	0254
Orangethorpe Citrus Association	.0236
Placentia Coop. Orange Association	.0508
Yorba Linda Citrus Association, The	.0260
Alta Loma Heights Citrus Association	.3803
Citrus Fruit Growers	7174
Cucamonga Citrus Association	.5934
Etiwanda Citrus Fruit Association	.2174
Mountain View Fruit Association	.1562
Old Baldy Citrus Association	4262
Rialto Heights Orange Growers	4401
Upland Citrus Association	2.1993
Upland Heights Orange Association	.9566
Consolidated Orange Growers	.0303
Garden Grove Citrus Association	0208
Goldenwest Citrus Association, The	.0887
Olive Heights Citrus Association	.0443
Santa Ana-Tustin Mutual Citrus Association	0277
Santiago Orange Growers Association	.1604
Tustin Hills Citrus Association	0324
Villa Park Orchards Association, Inc., The	0377
Bradford Bros., Inc.	.2260
Placentia Mutual Orange Association	.1813
Placentia Orange Growers Association	.2507
Call Ranch	.6824
Corona Citrus Association	7134
Jameson Co.	.3681
Orange Heights Orange Association	.8402
Break & Son, Allen	.2717
Bryn Mawr Fruit Growers Association	1.0405
Crafton Orange Growers Association	1.3208
E. Highlands Citrus Association	4088
Fontana Citrus Association	.4348
Highland Fruit Growers Association	6527
Krinard Packing Co.	1.5559
Mission Citrus Association	7167
Redlands Coop. Fruit Association	1.6740
Redlands Heights Groves	.9068
Redlands Orangedale Association	.9443
Redlands Orange Growers Association	1.1505
Redlands Select Groves	.5350
Rialto Citrus Association	.5494
Rialto Orange Co.	.3595
Southern Citrus Association	.9780
United Citrus Growers	6944
Zilen Citrus Co.	1.0671
Arlington Heights Fruit Co.	4192
Brown Estate, L. V. W.	1.7638
Elephant Orchards	.0000
Gavilan Citrus Association	1.6183
Hemet Mutual Groves	.3095
Highgrove Fruit Association	6872
McDermont Fruit Co.	1.7232
Mentone Heights Association	7579
Monte Vista Citrus Association	1.1042
National Orange Co.	.8313
Riverside Heights Orange Growers Association	1.3015
Sierra Vista Packing Association	6765
Victoria Ave. Citrus Association	2.2922
Claremont Citrus Association	.9656
College Heights O. & L. Association	1.0043
El Camino Citrus Association	0.5015
Indian Hill Citrus Association	1.1322
Pomona Fruit Growers Association	1.9140
Walnut Fruit Growers Association	.3756
West Ontario Citrus Association	1.5181
El Cajon Valley Citrus Association	.3651
Escondido Orange Association	.5403
San Dimas Orange Growers Association	1.1515
Covina Citrus Association	1.5571
Covina Orange Growers Association	.4877
Duarte-Monrovia Fruit Exchange	.5232
Ball & Tweedy Association	.1382
Canoga Citrus Association	.0625
N. Whittier Heights Citrus Association	.1117
San Fernando Fruit Growers Association	.2974
San Fernando Heights Orange Association	.3221
Sierra Madra Lamanda Citrus Association	.2320
Camarillo Citrus Association	.0094
Fillmore Citrus Association	1.2195
Ojai Orange Association	.9734
Piru Citrus Association	1.1637
Santa Paula Orange Association	.1101
Tapo Citrus Association	.0107
East Whittier Citrus Association	0162
El Ranchito Citrus Association	.0000
Rivera Citrus Association	.0000
Whittier Citrus Association	.3036
Whittier Select Citrus Association	.0583
Anaheim Coop. Orange Association	.0545
Bryn Mawr Mutual Orange Association	.4955
Chula Vista Mutual Lemon Association	.1424
Escondido Coop. Citrus Association	0982
Euclid Avenue Orange Association	2.3321
Foothill Citrus Union, Inc.	.0822
Fullerton Coop. Orange Association	.0521
Garden Grove Orange Coop.	0378
Glendora Coop. Citrus Association	.0764
Golden Orange Groves, Inc.	.3870
Highland Mutual Groves, Inc.	4078
Index Mutual Association	0039
La Verne Coop. Citrus Association	2.6238
Olive Hillside Groves, Inc.	0307
Orange Coop. Citrus Association	.0599
Redlands Foothill Groves	2.1036
Redlands Mutual Orange Association	.9995
Riverside Citrus Association	.4565
Ventura County O. & L. Association	.1483
Whittier Mutual O. & L. Association	.0635
Babijuice Corp. of California	.3345
Banks Fruit Co.	.2413
California Fruit Distributors	0832
Cherokee Citrus Co., Inc.	1.1117
Chess Co., Meyer W.	.3173
El Modena Citrus, Inc.	.0801
Evans Bros. Packing Co	7805
Gold Banner Association	1.8720
Granada Packing House	1.1410
Hill, Fred A.	.6949
Inland Fruit Dealers, Inc.	.2080
Orange Belt Fruit Distributors	2.3993
Panno Fruit Co., Carlo	1314
Paramount Citrus Association	.2639
Placentia Pioneer Valencia Grs. Association	0740
Riverside Growers, Inc.	.5134
San Antonio Orchards Association	1.1364
Snyder & Sons Co., W. A.	.9879
Torn Ranch	.0470
Verity & Sons Co., R. H.	.0996
Wall, E. T.	1.4223
Western Fruit Grs., Inc., Redlands	2.5540
Yorba Orange Growers Association	0327

[F. R. Doc. 47-579; Filed, Jan. 17, 1947; 8:45 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF LAND WITHDRAWAL, LEWISTON BOMBING RANGE, MONTANA

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 339 under Title 43, *infra*, which revokes Public Land Order 134, withdrawing certain lands for use by the War Department for aviation purposes.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. 384]

PART 280—FORMS AND APPLICATIONS

REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS BY OFFICERS AND DIRECTORS OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of January 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) and for the purpose of implementing section 407 (c) thereof; having afforded interested persons an opportunity to participate in the making of this revision, having given full consideration to all relevant matters presented; and finding that it is desirable that all reports covering the past year be uniform, and that this fact constitutes good cause for making this regulation effective without delay; hereby amends § 280.1 of the Economic Regulations in its entirety, to read as follows, effective January 3, 1947:

§ 280.1 *Reports of ownership of stock and other interests by officers and directors of air carriers*—(a) *Report required.* At the times and in the manner hereinafter provided, each officer and each director of each air carrier shall transmit to the Board a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers.

(b) *Time for reporting.* Not more than thirty days after such officer or director is first elected or appointed, a report shall be filed covering the period from January 1st of the preceding year to the date of election or appointment; subsequently, a report shall be filed, on or before March 1st of each year, covering such portion of the preceding calendar year as has not been previously reported, or the full year if he so desires.

(c) *Schedule of data.* Such report shall be prepared in accordance with the following schedule:

SCHEDULE

I. *Data as to individual reporting.*

1. Name;
2. Address;
3. Principal occupation;
4. All air carrier positions held (indicate title of position and name of air carrier); and
5. Positions held as officer, director or member of (1) common carriers (other than air) (2) enterprises engaged in any other phases of aeronautics; (3) enterprises whose principal business is that of holding securities and/or control of air carriers, common carriers, and enterprises which are engaged in any other phases of aeronautics (giving title of position and name of company or enterprise).
6. Append the following declaration to the report: "I hereby declare that this report, including documents attached hereto has been examined by me, and to the best of my knowledge and belief is a true, correct, and complete report, made in good faith, for the period stated." Execute the declaration, affixing date and signature.

II. *Data as to stock or other interests.* The categories for which data shall be set forth are as follows: (1) Interests held in air carriers, (2) Interests held in other common carriers, (3) Interests held in any enterprise engaged in any phase of aeronautics other than air carriers, (4) Interests held in enterprises whose principal business is that of holding securities and/or control of air carriers, other common carriers, or enterprises which are engaged in any phase of aeronautics other than air carrier. For each of the foregoing categories, the following data shall be set forth:

A. Name of enterprise (corporate or otherwise) in which interest is or was held at any time during the period covered by report.

B. Class of interest, such as common stock, preferred stock, rights, options, etc.; and description of bonds, notes, or other instruments evidencing interest or ownership. (Give names and addresses of all persons: (1) by whom any part of the foregoing items were held for reporting individual, (2) for whom any part of the foregoing items were held by reporting individual; (3) who held joint interest with reporting individual in any part of the foregoing items, and state nature of the relationship and the principal business of such persons.)

C. Number of shares or amount of each item reported under "B" held as of the last day of the period covered by report.

D. On all items reported under "C" which equal 5% or more of the total outstanding amount of the same class, show such percentages.

E. Indicate by "Yes" or "No" whether reporting individual controlled and/or exercised ALL voting rights of the items reported under "B" If the answer is "No", state amount of voting rights not controlled or exercised by reporting individual and give the names, addresses, and principal business of persons controlling and/or exercising such voting rights.

F. Maximum amount held during period covered by report.

G. On all items reported under "F" which equal 5% or more of the total then outstanding amount of the same class, show such percentages.

H. Minimum amount held during period covered by report.

(d) *General.* The reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942; and C. A. B. Form 2786 (prepared in conformity with the Schedule) is available on request for the convenience of individuals reporting.

(52 Stat. 984, 1000, as amended; 49 U. S. C. 425, 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-463; Filed, Jan. 17, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3403]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACOB SIEGEL CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offering for sale, sale and distribution in commerce, of respondent's coats designated "Alpacuna" coats, or any other coats of substantially similar composition, under whatever name sold, (1) representing that respondent's coats contain guanaco hair; (2) representing that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country; (3) representing through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain; (4) representing that coats made of fabrics which have a cotton backing are composed entirely of wool or of wool and hair; (5) using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purports to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials; or, (6) using the word "Alpacuna" or any other word which in whole or in part is indicative of the word "vicuna" to designate or describe respondent's coats, or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber; prohibited, subject to the provision, however, that nothing herein shall prohibit use of the word Alpacuna to refer to respondent's garments if in immediate connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating all the constituent materials or fibers therein contained. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45) [Modified cease and desist order, Jacob Siegel Company, Docket 3403, December 5, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of December A. D. 1946.

This proceeding having heretofore been heard by the Federal Trade Commission and an order to cease and desist having heretofore been entered by it, which order was reversed pursuant to a

mandate of the Supreme Court of the United States by the United States Circuit Court of Appeals for the Third Circuit on May 23, 1946, and remanded to the Commission for further proceedings in conformity with the opinion of the Supreme Court, particularly for the Commission to consider and determine whether qualifying language or some change of name short of excision would eliminate the deception which the Commission found lurking in respondent's trade name "Alpacuna," and in the judgment of the Commission adequately satisfy the ends of the Federal Trade Commission Act and at the same time save said trade name;

And the Commission having further considered said matter, and being of the opinion that the deception resulting from the use of said trade name can be eliminated by the use, in connection with said name, of qualifying or explanatory language as hereinafter set forth, the Commission now issues this its modified order to cease and desist:

It is ordered, That the respondent, Jacob Siegel Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's coats designated "Alpacuna" coats, or any other coats of substantially similar composition, under whatever name sold, do forthwith cease and desist from:

1. Representing that respondent's coats contain guanaco hair.

2. Representing that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country.

3. Representing through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain.

4. Representing that coats made of fabrics which have a cotton backing are composed entirely of wool or of wool and hair.

5. Using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purports to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials.

6. Using the word "Alpacuna" or any other word which in whole or in part is indicative of the word "vicuna" to designate or describe respondent's coats, or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber; provided, however, that nothing herein shall prohibit use of the word Alpacuna to refer to respondent's garments if in immediate connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating all the constituent materials or fibers therein contained.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-511; Filed, Jan. 17, 1947; 8:50 a. m.]

[Docket No. 5179]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAMS S. L. K. LABORATORIES

§ 3.6 (a 10) *Advertising falsely or misleadingly — Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly — Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with the offering for sale, sale, and distribution of respondent's medicinal preparations "Rux Compound" and "Williams Formula" or any other medicinal preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's said preparations, which advertisements represent, directly or by implication, A, with respect to said medicinal preparation "Rux Compound" (1) that said preparation will salicylate the system; (2) that said preparation constitutes a proved method for relieving rheumatic pains; (3) that the ingredients of said preparation will be absorbed in the blood stream within any specific period of time; (4) that said preparation will reduce congestion of the joints in rheumatism; (5) that said preparation affords complete or permanent relief from the pain of rheumatism; (6) that irritating acids accumulate in the kidneys, or that said preparation will flush out the kidneys; (7) that said preparation will keep the blood alkaline; (8) that the ingredients of said preparation, or any of them, act directly upon the source or cause of pain; (9) that said preparation is unexcelled as an antipyretic and analgesic for common pains and agony; (10) that neuralgia spasms are caused by a toxic condition, or that said preparation will relieve the pain of neuralgia spasms; or, (11) that said preparation has any therapeutic value in the relief of pain in excess of providing temporary relief of minor pain; or, B, which represent, directly or by implication, with respect to said medicinal preparation "Williams Formula", (1) that said preparation will stimulate digestion; (2) that its use (a) eliminates waste material from the kidneys, or (b) builds up the quality of the blood; (3) that said preparation is an iron tonic which will significantly increase the hemoglobin content of the blood; (4) that said preparation contains natural herbs; (5) that said preparation is the equivalent of several good medicines; (6) that said preparation will act on the whole digestive system; (7) that said preparation is effective in the treatment of constipation in excess of affording temporary relief by reason of its laxative qualities; or, (8) that said preparation will relieve irritated kidneys; or which advertisements fail to reveal that the medicinal preparation "Williams Formula" should not be used by one suffering from abdominal pains, nausea, vomiting, or any other symptom of appendicitis; prohibited, subject to the provision, however, that any such advertisements need contain only the statement, "Caution: Use Only As Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Williams S. L. K. Laboratories, Docket 5179, December 6, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December A. D. 1946.

In the Matter of H. L. Williams, an Individual Trading as Williams S. L. K. Laboratories

This proceeding having been heard by the Federal Trade Commission upon the complaint (respondent having filed no answer herein) and a stipulation as to the facts entered into between the respondent herein and Richard P Whiteley, Assistant Chief Counsel for the Commission, which stipulation provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, H. L. Williams, trading as Williams S. L. K. Laboratories, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's medicinal preparations "Rux Compound" and "Williams Formula," or any other medicinal preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

A. With respect to said medicinal preparation "Rux Compound":

(1) That said preparation will salicylate the system.

(2) That said preparation constitutes a proved method for relieving rheumatic pains.

(3) That the ingredients of said preparation will be absorbed in the blood stream within any specific period of time.

(4) That said preparation will reduce congestion of the joints in rheumatism.

(5) That said preparation affords complete or permanent relief from the pain of rheumatism.

(6) That irritating acids accumulate in the kidneys, or that said preparation will flush out the kidneys.

(7) That said preparation will keep the blood alkaline.

(8) That the ingredients of said preparation, or any of them, act directly upon the source or cause of pain.

(9) That said preparation is unexcelled as an antipyretic and analgesic for common pains and agony.

(10) That neuralgia spasms are caused by a toxic condition, or that said preparation will relieve the pain of neuralgia spasms.

(11) That said preparation has any therapeutic value in the relief of pain in excess of providing temporary relief of minor pain.

B. With respect to said medicinal preparation "Williams Formula":

(1) That said preparation will stimulate digestion.

(2) That its use

(a) Eliminates waste material from the kidneys.

(b) Builds up the quality of the blood.

(3) That said preparation is an iron tonic which will significantly increase the hemoglobin content of the blood.

(4) That said preparation contains natural herbs.

(5) That said preparation is the equivalent of several good medicines.

(6) That said preparation will act on the whole digestive system.

(7) That said preparation is effective in the treatment of constipation in excess of affording temporary relief by reason of its laxative qualities.

(8) That said preparation will relieve irritated kidneys.

2. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to reveal that the medicinal preparation "Williams Formula" should not be used by one suffering from abdominal pains, nausea, vomiting, or any other symptom of appendicitis; provided, however, that any such advertisement need contain only the statement, "Caution: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's said preparations, any advertisement which contains any representation prohibited in paragraph 1 hereof or which fails to comply with the provisions of paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-510; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51601]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF BAUDETTE MUNICIPAL AIRPORT, BAUDETTE, MINN., AS AN AIRPORT OF ENTRY

JANUARY 13, 1947.

The Baudette Municipal Airport, Baudette, Minnesota, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)) for a period of 1 year from January 1, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) is hereby amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

Notice of the proposed designation of the Baudette Municipal Airport was published in the FEDERAL REGISTER on November 30, 1946 (11 F. R. 13976), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) The designation shall be effective on January 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reason that the public convenience will be served by making the customs facilities available at once. The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b) 44 Stat. 572; sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b)).

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-507; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 29—LABOR

Chapter I—United States Employment Service, Department of Labor

PART 25—INSTRUCTIONS TO STATE AGENCIES RELATIVE TO FISCAL AFFAIRS IN CONNECTION WITH GRANTS MADE FOR EXPENSES OF EMPLOYMENT SERVICE ADMINISTRATION

Pursuant to the authority vested in me by the act approved June 6, 1933, as amended (48 Stat. 113), Title IV of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 284) the Labor-Federal Security Appropriation Act, 1947 (Pub. L. 549, 79th Cong., 2nd Sess.) R. S. 161, and Executive Order No. 9617, (10 F. R. 11929), and for the purpose of maintaining an effective national system of public employment offices, the following instructions are hereby promulgated.

SUBPART A—GENERAL STANDARDS

SUBPART B—STANDARDS RELATIVE TO PERSONNEL MANAGEMENT

SUBPART C—STANDARDS RELATIVE TO PENALTY MAIL

SUBPART D—FISCAL MANAGEMENT STANDARDS

SUBPART E—TRAVEL STANDARDS

AUTHORITY: §§ 25.1 to 25.56 inclusive issued under R. S. 161, 48 Stat. 113, 53 Stat. 1424, 58 Stat. 293, Pub. Law 549, 79th Cong.; 5 U. S. C. 22, 29 U. S. C. 49–49*l*, 38 U. S. C. 695–695f; E. O. 9247, Sept. 17, 1942, 3 CFR Cum. Supp.; E. O. 9617, Sept. 19, 1945, 3 CFR 1945 Supp., secs. 201, 203, Reorg. Plan. No. 1, effective July 1, 1939, 3 CFR Cum. Supp.

SUBPART A—GENERAL STANDARDS

§ 25.1 *Statutory requirements.* The Wagner-Peyser Act, as amended (48 Stat. 113) and Public Law 549, 79th Congress, under which a State is granted Federal funds for the administration of its State-wide system of public employment offices, require that such funds be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor, United States Department of Labor, for proper and efficient administration of the State-wide system of public employment offices.

§ 25.2 *State fiscal practice.* In determining whether an expenditure, or proposed expenditure, is necessary for proper and efficient administration of a State-wide system of public employment offices, the Department of Labor will give important weight to the existence of an established State practice. In all circumstances an established State practice is only one of the factors which will be used in determining the necessity of the expenditure by the State agency.

§ 25.3 *Evidence of State practice.* State laws and regulations covering the State's fiscal administration which are specific as to the amounts to be paid or the conditions under which administrative acts are to be performed are clear evidence of State practice. In the absence of such specific laws and State regulations, the Department of Labor will consider as evidence of State practice a custom or usage which meets the following definition and which conclusively established:

State practice is an established custom or usage accepted and generally applied as an expenditure control in the fiscal administration of the State government.

§ 25.4 *Funds accruing from custody or expenditure of granted funds.* All amounts accruing from the custody or expenditure of funds granted pursuant to the Wagner-Peyser Act and Public Law 549, 79th Cong., including interest on deposits thereof, are a part of the granted funds and all of the Department of Labor fiscal policies applicable to granted funds are applicable to amounts so accruing.

§ 25.5 *Funds available from sources other than grants.* Funds, facilities, and services which are made available to a State agency constitute factors relevant to the determination of amounts to be granted as necessary for the proper and efficient administration of a State Employment Service.

§ 25.6 *Advisory councils.* Granted funds may be used for payment of expenses incurred by a State agency in connection with the functioning of advisory councils established in accordance with State law and applicable Federal requirements for the purpose of administering the State Employment Service program.

§ 25.7 *Litigation, court costs.* Granted funds may be used for the payment of court costs in connection with litigation incident to the administration of the State-wide system of public employment offices.

§ 25.8 *Legal defense of employees including defense for Hatch Act violations.* Granted funds may not be used for:

(a) Expenses incurred in connection with the defense or representation, in civil or criminal proceedings, of officials or employees of a State agency who are involved in proceedings for acts, in the course of their official duties, which are alleged to be either unlawful or a dereliction of duty, except to the extent that the State agency has an interest in defending the legality of the act which forms the basis of the proceedings.

(b) Salary payments for periods of time devoted to services performed in connection with the representation of the State or of the State agency personnel, in civil or criminal proceedings under the provisions of the act of Congress entitled, "An Act to Prevent Pernicious Political Activities," approved August 2, 1939 (53 Stat. 1147) as amended, commonly referred to as the Hatch Act.

(c) Employment of special or private counsel to represent the State, the agency, or its officials, or employees, in proceedings involving the State Employment Service program, except upon a prior showing of necessity therefor and specific approval thereof by the head of the State agency or his authorized representative for that purpose.

§ 25.9 *Insurance; fire, flood, tornado or other elements.* Granted funds may not be used to secure insurance coverage against loss by fire, flood, tornado, or other elements except upon a showing of special circumstances involving an unusual degree of risk. In adopting this policy, however, the Department of Labor stands ready to authorize the use of granted funds for replacements in the event of such loss—it being preferred to authorize such use of granted funds in particular cases when necessary rather than to approve the payment of annual premiums to purchase such insurance protection for all of the property involved. If in any State there is in effect a State law creating a State fund for the payment of losses sustained by State properties through fire, flood, tornado, or other elements, to which fund payments are made on a pro rata basis for all State departments whose properties are protected thereby, and from which fund moneys will be available for the replacement of property loss sustained by the State agency through fire, flood, etc., granted funds may be used to pay for the pro rata share of the State agency of the cost of such self-insurance by a State, and will, in connection with future grants, consider the availability of such funds for replacements of such property losses of the State agency.

§ 25.10 *Motor vehicle liability or property damage insurance.* Granted funds may be used to pay the cost of protecting members of the public against injury to person or property occasioned by the operation by State employees of motor vehicles in the discharge of the State's business, or the payment of awards, judgments, or settlements, if:

(a) State law permits any one, or a combination, of the following methods of protection:

(1) Liability or property damage insurance; and

(2) Waiver of sovereign immunity and suit against the State itself; settlement, subject only to the availability of funds for their payment.

(b) The payment of the cost of insurance, judgments, awards or settlements with respect to all agencies which are supported principally by funds from sources other than the general fund of the State, is made out of such special funds.

(c) Where public liability or property damage insurance is authorized and utilized by other agencies of the State, the premium charged is fair and reasonable and is calculated on the same basis for all covered agencies or on a basis which is fair and reasonable as between all covered agencies.

(d) The payment of premiums, or the payment of judgments, awards, or settlements, may properly be made from the administration fund.

§ 25.11 *Bonding for the protection of the administration fund.* Bonds for the protection of the State Employment Service administration fund are not required.

§ 25.12 *Retirement and workmen's compensation.* Granted funds may be used for payment of the State agency's proper share of the cost of protecting its employees under State retirement and workmen's compensation laws, *Provided,* That:

(a) The State law is compulsory in its application to the employees of the agency, or, in the case of a law which is elective, an effective election has been made and the State or agency is by law required to pay a part or all of the cost of the protection furnished to the employees of the agency.

(b) Where such payment takes the form of premiums for insurance or of contributions to a State fund, the proceeds of such insurance or the State fund are used solely for the payment of benefits or compensation to employees entitled thereto under the State law, and, in those cases where the law establishing such a State fund so provides, the necessary cost of administration.

(c) The rate of contribution is calculated on the same basis for all State agencies, or, if more than one basis is authorized under the laws of the State, the basis of calculation for the agency is fair and reasonable as compared with that for other State agencies.

(d) Any separate charge made for administrative costs of the retirement or workmen's compensation system is in accordance with the Department of Labor policy covering payments for services performed for the State agency by other agencies of the State.

(e) The payments from the State Employment Service administration fund are legal under State law.

§ 25.13 *Unemployment compensation coverage of State agency employees.* Granted funds may be used for payment of either the full or partial contributions necessary to cover the employees of a State Employment Service under the unemployment compensation law of that State, if:

(a) The State law is compulsory in its application to the employees of the State agency or, in the case of a law which is elective, an effective election has been made and the State or agency is by law required to pay a part of all of the contributions.

(b) The payment is legal under the State law, i. e., properly chargeable to the State Employment Service administration fund.

§ 25.14 *Payments to State agencies other than the agency charged with administration of the State Employment Service.* Funds granted under the Wagner-Peyser Act may not be used to meet the cost incurred by States in furnishing goods, facilities, or services to a State agency by or through some other agency of State government unless:

(a) Such cost under State law can properly be charged to funds so granted.

(b) Such cost constitutes an extra identifiable expense of the State which would have been unnecessary except for the administrative needs of the State Employment Service.

(c) Such cost is readily ascertainable either by (1) segregation or (2) as a pro rata share of the cost to the State agency (or agencies) furnishing such goods or facilities or services.

(d) As to services, in addition to the condition set out above, the services are not of a kind usually and generally made available to all or similar agencies of the State as a part of general State administration, without charge against such agencies.

§ 25.15 *Federal taxes.* Specific exemptions in the excise tax provisions of the Federal Revenue Code, as amended, render such taxes inapplicable to many commodities and facilities sold or furnished to State agencies, i. e., telephone, telegraph, cable and radio messages; automobiles, automobile parts, tires, inner tubes, lubricating oil and gasoline; electric, gas and oil appliances (such as fans, air circulators and heaters), electric light bulbs and tubes; leather and imitation leather brief cases; wire and equipment in connection with burglar and fire alarm services; electrical energy; and transportation. Accordingly, funds granted by the Department of Labor under the Wagner-Peyser Act are not available for the payment of such taxes.

§ 25.16 *State sales taxes.* In accordance with the decision of the Comptroller General of the United States of June 19, 1942 (21 Comp. Gen. 1119) granted funds may be used for the payment of State sales taxes which State agencies are legally required to pay to vendors in connection with purchases of supplies or services necessary for the proper and efficient administration of a State Employment Service, without regard to whether the legal incidence of the tax is upon the vendor or the vendee.

§ 25.17 *Payments for services performed by agency employees.* Granted funds may not be used for salary payments to officials or employees of a State agency for which the agency has not received:

(a) With respect to each official and employee whose total salary is paid from granted funds, full-time attention to duties necessary for the proper and efficient administration of the State Employment Service program, unless otherwise expressly provided in the agency's approved compensation plan; or

(b) With respect to each official and employee whose salary is paid in part from granted funds, that proportion of time devoted to such "necessary" duties as is substantially equivalent to the proportion of the individual's total salary which is paid from granted funds, unless otherwise expressly provided in the agency's approved compensation plan.

SUBPART B—STANDARDS RELATIVE TO PERSONNEL MANAGEMENT

§ 25.18 *Salary adjustments and advancements.* Granted funds may be used for the payment of salary adjustments or salary advancements which are legal under State law or applicable approved Merit System Rule. Such salary advancements may include those made in recognition of efficiency and length of service in accordance with State law or applicable approved Merit System Rule. Appointments shall be made at the minimum of salary rate for the class, except where otherwise provided for by State law or applicable approved Merit System Rule.

§ 25.19 *Basis for agency salaries.* The Department of Labor, in determining personal service costs which are necessary for proper and efficient administration of a State Employment Service, will give consideration to prevailing rates for comparable positions in other departments of the State and to other relevant factors. In applying the principles of comparability where a State Employment Service is operating under a Statewide classification and compensation plan, the provisions of which are mandatory upon substantially all State departments including the State agency, salary comparability is considered to be established without further evidence. In the case of an agency operating under its own classification and compensation plan, evidence is needed concerning the comparability of the salaries under the agency's classification plan and prevailing salary levels for comparable positions, or classes of positions, in other departments of the State.

§ 25.20 *Leave.* Granted funds may be used for expenditures incident to granting leaves in accordance with the State agency's approved attendance and leave regulations.

§ 25.21 *Compensatory overtime leave.* Granted funds may be used for expenditures for salary during periods of compensatory leave granted for overtime services performed by State agency employees. Such compensatory leave should be granted at times which least interfere with the efficient operation of the agency and should be granted in accordance with established administrative controls. Such controls should require that authorization for overtime services be given in advance and in writing by the employees' immediate supervisor and that such authorization be filed along with the records of overtime services performed for compensatory leave granted.

§ 25.22 *Payment for overtime.* Granted funds may be used for expenditures for payment of salary for overtime services performed by State agency employees under conditions authorized by State regulations.

Where under State regulations there is an option given for the payment of salary for overtime services in lieu of compensatory time off, such payment should be made within 60 days from the time the overtime services are performed. The costs for the payment of overtime must be absorbed within the funds granted.

SUBPART C—STANDARDS RELATIVE TO PENALTY MAIL

§ 25.23 *Statutory basis for transmittal of official State Employment Service postal matter without prepayment of postage.* The Wagner-Peyser Act authorizes and directs the Postmaster General to extend to all State employment systems, which receive funds appropriated under the authority of that act, the privilege of free transmittal of official mail matter. The act of June 28, 1944

(58 Stat. 394, 39 U. S. C. 321c) provides that:

(a) All envelopes, labels, wrappers, cards, and other articles bearing the indicia prescribed by law for material mailed free of postage under the penalty privilege by executive departments and agencies, and all other organizations authorized by law to use the penalty franking privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe.

(b) Based upon the estimated cost of handling penalty mail by the Post Office Department, each agency using the frank shall bear the cost thereof by depositing in the U. S. Treasury through the United States Employment Service an amount equivalent to such costs.

(c) No article or package of official matter exceeding four pounds in weight shall be admitted to the mails under the penalty privilege.

(d) All executive departments and all other organizations authorized by law to use the penalty privilege are directed to supply all necessary information requested by the Post Office Department to carry out the provision of that act.

§ 25.24 *Limitation of use of penalty privilege.* Under these basic statutes the penalty privilege is limited to mail pertaining solely to employment service activities. In carrying out the provisions outlined in § 25.23, operating agencies will be expected to exercise a high degree of control to limit the use of penalty mail material to employment service activities.

§ 25.25 *Limitation of expenditure of postage.* Amounts expended for postage will be limited to the cost of air mail stamps, registry, special delivery fees, insurance charges on fourth-class mail, postage due, and mailing matter weighing four pounds or more.

SUBPART D—FISCAL MANAGEMENT STANDARDS

§ 25.26 *Audits conducted by agencies other than the United States Employment Service, U S. Department of Labor* Granted funds may be used for expenditures incident to the establishment and maintenance of day-to-day internal checks and controls necessary to insure proper handling of accounts. But it is assumed that a relationship between the State agency and the State auditing department is established which satisfies the State auditor that the internal controls of the State agency insure proper handling of the funds. Therefore, granted funds may not be used to finance an independent or separate audit of the State agency's handling of State Employment Service funds, and grants will not include amounts to defray the costs of conducting such audits of the administration fund accounts of a State agency. The United States Employment Service will conduct periodic audits of the State Employment Service administration fund accounts.

§ 25.27 *Workload analysis study.* Granted funds may be used for expenditures for studies of workloads to provide a method for measuring the staff time directed to employment service activities. State agencies shall make such studies and shall submit reports thereof as required by the Director of the United States Employment Service.

§ 25.28 *Financial reports.* The making of financial reports will be required in such form and containing such information as may be necessary in determining that funds have been expended according to law and in determining the status of unexpended granted funds. In compliance with this requirement, and to assure the correctness and verification of such reports, appropriate accounting records and procedures shall be established and maintained by each State agency. The State agency shall have authority to transfer between categories any funds made available for the administration of the State Employment Service except as may be otherwise specifically provided in the letter approving the grant of funds.

§ 25.29 *Certificates.* The submittal by each State agency of certificates of authorization will be required which certify the extent of authority delegated by the State agency to any person (a) to request a grant of funds, (b) otherwise to represent the State agency in connection with such grant, (c) to designate the payee to whom payment of granted funds is to be made, and (d) to furnish fiscal information and reports.

SUBPART E—TRAVEL STANDARDS

§ 25.30 *General.* Expenditures for official travel will be considered necessary for proper and efficient administration of a State Employment Service if they are proper under State law and are incurred in accordance with the following standards.

§ 25.31 *Allowable expenses.* Reimbursable travel expenses are confined to those which are essential to transacting the agency's official business in the administration of the State Employment Service. Such expenses are reimbursable only if incurred while in a travel status. Reimbursable travel expenses do not include:

(a) Those incurred for the convenience of the traveler, such as expenses for travel by an indirect route or stop-overs for personal reasons.

(b) Those of a strictly personal nature, such as telegrams to the headquarters office concerning leave or salary matters.

(c) Those for travel between home and office or for other non-official purposes.

(d) Per diem or subsistence at an employee's official station.

§ 25.32 *Persons eligible for reimbursement of travel expenses.* Eligibility for reimbursement of travel expenses is confined to employees of the agency and to expenses necessary to the discharge of their official duties in the administration of the State Employment Service; in addition, individuals in specified classes or groups, such as Advisory Council members, are eligible for reimbursement. In such additional cases, travel expenses will be allowed only in accordance with the rules and regulations applicable to employees of the State agency.

§ 25.33 *Travel status* Employees may be considered in travel status when they are absent from their official station and engaged in official business which has been appropriately authorized. In order to establish travel status, it is necessary that the circumstances governing the travel be prescribed, so that expenses incurred by the traveler in performing the duties properly can be reimbursed. The circumstances to be prescribed should include the nature of the duties to be performed, the area in which they are to be performed and the period of time during which they are to be performed.

§ 25.34 *Official station.* The designated post of duty and official station mean one and the same, the extent of which should be the corporate limits of the city or town in which the employee is stationed. Normally an employee will be stationed at that point or approximate location where his official duties require him to spend the major part of his official working time.

§ 25.35 *Authorization of travel expenditures.* (a) All travel, whether intrastate or interstate, will be authorized by the head of the State agency (or by an agency official to whom such authority has been properly delegated) in such manner as to insure proper control.

(b) Expenditures from granted funds for any interstate travel by any State agency official or employee are, in addition, subject to prior authorization by the regional office of the United States Employment Service, except interstate travel performed by the administrative head of the agency for official purposes.

§ 25.36 *Mode and route of travel.* Reimbursable travel expenses are confined to those occasioned by use of the most economical standard mode of transportation and most usually traveled route, unless the head of the State agency or his designated representative determines that, due to unusual circumstances, other means of regular transportation are justified.

§ 25.37 *Maximum subsistence and mileage rates.* Establishment of reasonable maximum limitations for travel allowances is required, whether reimbursement is to be on the basis of actual expenses or a per diem allowance in lieu of subsistence. Also, where the traveler is authorized to use a privately-owned vehicle, a maximum mileage rate in lieu of actual transportation is required.

The following are the alternative bases for determining reasonable maximum subsistence and mileage rates:

(a) Specific mandatory rates prescribed by statutes or regulations applicable generally to all agencies of the State; or

(b) Rates representing reasonable maximum limitations (to be established by agreement between the State agency and the United States Employment Service)[1] where applicable State statutes or

[1] In arriving at agreements with State agencies as to reasonable maximum limitations for substance, or mileage rates, established State practice, as well as rates established by the Federal Government for its employees, will be factors which the United States Employment Service will use in determining whether the proposed expenditures are reasonable. (See §§ 25.2 and 25.3 for an explanation of the significance of State practice.)

regulations do not prescribe specific limitations.

§ 25.38 *Reimbursable expenses to be specified.* (a) The items included in subsistence or per diem allowance will be specified.

(b) The State agency will set forth the minimum number of hours of absence from official station, distance from official station, or other conditions to be uniformly observed by all employees which will entitle the traveler to claim reimbursement of per diem or subsistence.

§ 25.39 *Vouchers and receipts.* Employees are required to submit travel vouchers in such form as to insure complete and necessary audits. Receipts are required for all unusual items of expenditures in such form as to establish official necessity. The State agency's regulations will specify those items which are considered unusual.

§ 25.40 *Leave of absence during travel.* Provision must be made for proper determination of allowable expenses when an employee is granted leave of absence while on official travel.

SUBPART F—STANDARDS RELATIVE TO AUTOMOBILES

§ 25.41 *Expenditures for agency-owned automobiles.* Granted funds may be used for purchase of agency-owned automobiles, but approval of such purchase and use will be dependent upon considerations of need, resulting economy, and efficiency of that method of transportation.

SUBPART G—STANDARDS RELATIVE TO TRANSPORTATION OF HOUSEHOLD GOODS AND EFFECTS

§ 25.42 *Transportation of household goods and effects.* When employees of State agencies are transferred from one official station to another for permanent duty, the Department of Labor will consider as necessary expenditures from granted funds the payment of reasonable costs of transportation of household effects and other personal property as determined in accordance with State law. Granted funds may not be used for payment of such costs where the transfer is made at the request and primarily for the benefit or convenience of the employee, or for disciplinary reasons.

SUBPART H—STANDARDS RELATIVE TO RENTAL OF PREMISES

§ 25.43 *Rental of premises.* Granted funds may be used for payments for rental of premises. Such rental may include reasonable amounts for the maintenance of proper facilities for the administration of the State Employment Service. Approval of expenditures for rental of premises does not constitute a commitment on the part of the Department of Labor to make grants under the Wagner-Peyser Act for future periods.

§ 25.44 *Rent applied toward cost of purchase or construction of buildings.* The Department of Labor will make specific determinations with respect to requests for funds to be supplied in the form of rental to offset cost of purchase or construction of State-owned buildings to provide quarters for the State Employment Service on the merits of each case.

SUBPART I—STANDARDS RELATIVE TO REPAIRS AND ALTERATIONS

§ 25.45 *Repairs and alterations.* Granted funds may be used for reasonable costs of repairs and alterations necessary for the maintenance of proper facilities for the administration of the State Employment Service.

SUBPART J—PROCUREMENT STANDARDS

§ 25.46 *General.* The following standards constitute the fundamentals of a proper procurement procedure, to be observed in the expenditure by State agencies of granted funds for the procurement of furniture, fixtures, equipment, supplies, printing and binding and contractual services.

§ 25.47 *Authorization for purchases.* Purchases of material and contracts for services are to be made by a designated procurement officer on the basis of requisitions issued by authorized individuals within the Agency. All requisitions will bear the written approval of the head of the State Agency (or his authorized deputy for such purpose) as well as the certification of the fiscal officer of the agency, showing that funds for the purpose are available.

§ 25.48 *Competition.* All purchases and contracts are required to be made on a competitive basis by:

(a) Advertising at least once a year in a newspaper or newspapers of State-wide circulation and by posting notices in appropriate places that materials and supplies are to be purchased during the year, and inviting prospective vendors to file data from which lists of prospective vendors shall be established.

(b) Submitting invitations to bid on materials and supplies required to vendors listed in accordance with paragraph (a)

(c) In addition to paragraph (b) of this section, soliciting bids at least once in a newspaper or newspapers of State-wide circulation in each case of a purchase or contract amounting to $1,000 or more.

(d) Compliance with paragraphs (b) and (c) of this section is not required where:

(1) Purchases amounting to less than $100, and approval of the head of the State agency is obtained, provided that before making such purchases effort should be made to obtain oral bids (reduced to writing, if possible) from at least three vendors.

(2) Purchases are limited by State statute.

§ 25.49 *Invitation to bid.* In submitting invitations to bid, the procurement officer will give due allowance to:

(a) Time necessary for submitting bids, in recognition of vendor's ability to submit bids promptly and make delivery within-specified time.

(b) Savings, if any, to be effected by calling for bids on a lump-sum or aggregate basis.

(c) The necessity of obtaining bids and making awards on a basis which will be exclusive of Federal taxes.

§ 25.50 *Opening of bids.* Bids will be opened in public at a time and place to be specified in the invitation to bid, and abstracts of all bids (or their equivalent) inserted in a register, or the necessary information maintained in some other form, and be readily available to the public during office hours. All bids which fail to meet time and other specifications of the invitation to bid will be considered invalid.

§ 25.51 *Awards.* If a bid is accepted, award will be made:

(a) Promptly and in writing.

(b) To the responsible bidder whose proposal meets the specifications or performance test which have been set forth in the invitation to bid, and whose price is the lowest net price offered.

(c) Subject to inspection where contract calls for furniture, fixtures, supplies, and equipment, and subject to furnishing proofs where printing is involved.

(d) Subject to guarantees by bidder where the procurement officer considers it necessary to protect the interests of the State agency.

SUBPART K—EQUIPMENT STANDARDS

§ 25.52 *Equipment and furniture.* Granted funds may be used for the purchase of equipment by the State agency. Such equipment shall be used only by the State agency, except when loaned for use in the administration of a joint merit system which is financed through grants made by Federal agencies. Title to equipment purchased by a State agency from granted funds may not be transferred, unless the State Employment Service administration fund is reimbursed in an amount equal to the fair market value of the equipment.

§ 25.53 *Equipment control records.* Each State agency is required to maintain equipment control records showing for each item of equipment on hand, regardless of the manner of acquisition, unit cost, description, identification number, date received, source of acquisition, and location at all times.

In the event of disposition of any item of equipment, whether it be sold, traded in, scrapped, lost, stolen, or otherwise disposed of the equipment control records are to be properly adjusted. Such adjustments will be supported by the necessary explanatory data or documents relating to the action. When requested, the regional office will assist State agencies in arranging for sales of usable surplus equipment between State agencies within regional boundaries or in nearby States of other regions, if practicable.

§ 25.54 *Proceeds from sale of equipment.* Proceeds from the sale or disposition of any item of equipment are subject to the same conditions which are applicable to granted funds. Accordingly, such proceeds will be deposited in the State Employment Service administration fund and the amounts thereof will be included in the financial reports of the State agency.

SUBPART L—GENERAL PROVISIONS

§ 25.55 *Administrative responsibility of the State agency.* The State agency

shall establish and maintain such system of accounts (showing receipts and expenditures of the State agency with substantiating records and vouchers) as will adequately supply the information required (a) in the financial reports rendered to the United States Employment Service and (b) for post audit of expenditures by auditors of the United States Employment Service. Each voucher for expenditure of funds for State Employment Service Administration, from whatever source such funds may be derived, shall be approved by the head of the State agency or his duly authorized agent or agents. All such vouchers or certified duplicates or copies thereof shall be filed in the administrative office of the State agency.

§ 25.56 *Implementing instructions.* The Director of the United States Employment Service is hereby directed to issue such forms, procedures and instructions as are necessary to implement these standards.

L. B. SCHWELLENBACH,
Secretary of Labor.

NOVEMBER 9, 1946.

[F. R. Doc. 47-496; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 11 as Amended Jan. 17, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

The following direction is issued pursuant to Priorities Regulation 33:

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

NOTE: Table amended Jan. 17, 1947.

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood)	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Limited types of items, under very limited conditions (see paragraph (s) below)	CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.
>
> ---
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his cus-

tomers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products.

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA-4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (Orders L-358 and L-359), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L-357, the quantities so manufactured are called "earmarked products" and may be sold only as permitted by that order. Usually, sale is permitted only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders" from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order" An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L-357 may usually be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L-357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Items for which CC rating may be authorized (PR 28).* Under Priorities Regulation 28, as recently amended, the conditions under which CC rating assistance will be given have been drastically curtailed. PR 28 explains the conditions under which such assistance will be given. In general, CC ratings will no longer be given for construction materials.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA-541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications—(1) By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Cut-Off Dates

(x) *Cut-off dates.* No order bearing a certified-HH or HHH rating assigned under this direction may be placed by an FPHA contractor after January 31, 1947. No order bearing such a rating may specify a delivery date later than March 31, 1947. A certified-HH or HHH rated order which conforms with the specifications of this paragraph remains valid until filled.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[F. R. Doc. 47-598; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, as Amended Jan. 17, 1947]

§ 944.55 *Priorities Regulation 34*—(a) *What this regulation does.* There is a shortage in the supply of certain materials, held by the Reconstruction Finance Corporation and various government agencies for defense, for private account and for export. This regulation states the rules applicable to purchases of these materials from the RFC either directly from its own stock or from the stocks of other government owning agencies. The regulation indicates in respect to which materials a purchase from the RFC must first be authorized by the Civilian Production Administration and explains who may apply for such authorization and in what manner. The regulation applies only to the materials listed on Table A below. This Table includes, but is not limited to, certain so-called strategic and critical materials covered by War Assets Administration Regulation 17 (11 F. R. 9573, 12306)

(b) *Materials for the purchase of which from RFC an authorization is required from CPA.* Before a person may purchase from RFC certain of the materials on Table A, he must obtain an authorization from CPA. Whether or not an authorization is required, is indicated in Column 2 In Column 3 appears a reference to the Branch or Division of the CPA responsible for the materials. In Column 4 is specified the class of persons who may apply for an authorization to purchase from the RFC, and in respect to those materials in which the distribution is covered by CPA orders, a reference to the appropriate order is made. In some instances, Column 4 indicates that a certification will be required from the applicant.

Where Column 4 indicates applications are to be made by letter, the applicant should state: (1) the purpose for which the material is required; (2) his present inventory of the material requested; (3) the number of days supply represented by the present inventory, plus the amount requested, based on his current or scheduled rate of operation; (4) the efforts he has made to obtain the material from private sources of supply, foreign or domestic; (5) the efforts he has made to obtain and use a suitable substitute and (6) any other information pertinent to the application. In general, CPA will authorize the purchase of the material from RFC only if the material is not available from private sources of supply, foreign or domestic; no suitable substitute material is available; and the proposed purchase conforms with applicable CPA inventory restrictions on the material in question. Authorization for the purchase will be made by the CPA on Form CPAI-3669 to RFC. CPA will notify the applicant of the action taken.

(c) *Materials for the purchase of which no authorization is required from CPA.* If Column 2 in Table A indicates that no CPA authorization is required, the material may be purchased directly from RFC upon filing with the purchase order the certificate required in Column 4.

(d) *Restrictions on purchasers.* A purchaser from the RFC of any of the materials listed on Table A below, must not violate any CPA order or regulation controlling the amount of any such material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any materials obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

NOTE: Items lead, nickel, tin and zinc revised Jan. 17, 1947.

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			METALS AND MINERALS—continued
Aluminum: primary pig	Yes	Aluminum and magnesium branch.	Primary producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with General Preference Order M-112.
Asbestos: Rhodesian Chrysotile fiber (grade C and GI, C&G/2 and C&G3; African Amosite fiber (grades M1 and 3/DM1); and Cape Blue.	Yes	Cork, asbestos and fibrous glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Bismuth: Metal	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Alloys, or scrap, containing 50 percent or more by weight of metallic bismuth.	No	do	May be sold only to smelters and reprocessors who give the seller in writing a certificate in substantially the form shown in Note 1 to this table.
Cadmium: Metal	Yes	do	Users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (including but not limited to low melting point alloys).	No	do	May be sold only to smelters, reprocessors or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of Section 35A of the United States Criminal Code that (i) he is a smelter, reprocessor or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from private sources of supply, foreign or domestic; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations."
Scrap containing metallic cadmium but not containing 50 per cent or more by weight of any other one metal.	No	do	May be sold only to smelters and reprocessors who give the smelter, in writing, a certificate in substantially the form shown in Note 1 below this table.
Chromite: metallurgical and chemical ores and concentrates.	Yes	Steel branch	Processors and users may apply by letter.

[1] See footnote 1, p. 387.

TABLE A—Continued

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS—continued			OTHER MATERIALS—continued
Copper:			
Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingots, ingot bars, billet, or bars.	Yes	Copper branch	Brass mills, wire mills and ingot makers may apply on Form CPA-4542.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases or remelt ingot; gilding metal mill forms or remelt ingot	Yes	do	Brass mills, wire mills, smelters and refiners may apply on Form CPA-4513.
Leaded brass mill forms or remelt ingot; and copper or copper base alloy scrap.	No	do	
Corundum: crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Cryolite: ore, natural	Yes	Aluminum and magnesium branch	Processors or refiners may apply by letter.
Graphite: Madagascar flake and fines and Ceylon lump.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Kyanite: ore	Yes	do	Do.
Lead:			
Pig	Yes	Tin, lead and zinc branch	Users and processors may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Alloys, or scrap containing 50 percent or more by weight of metallic lead; residues.	No	do	(Delete remarks.)
Manganese: metallurgical ores	Yes	Steel branch	Processors and users may apply by letter.
Mica: Muscovite block, film and splittings; Phlogopite block and splittings.	Yes	Miscellaneous minerals and mining branch.	Fabricators may apply by letter.
Nickel: metal and nickel in oxide	No	Steel branch	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Platinum, refined	Yes	Miscellaneous minerals and mining branch.	Apply by letter.
Quartz crystals: raw quartz, radio grade, and scrap	Yes	do	Processors may apply by letter.
Tin:			
Pig	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with Conservation Order M-43.
Alloys or scrap; containing 50 percent or more by weight of metallic tins; residues.	No	do	See M-43 restrictions governing tin and all tin-bearing alloys.
Zinc:			
Slab, zinc oxide, ores and concentrates and die cast alloys.	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales of metal (slab) and zinc oxide will be authorized only in cases of emergency.
Other alloys, or scrap containing 50 percent or more by weight of metallic zinc; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing a certificate in substantially the form shown in Note 1 to this table.
OTHER MATERIALS			
Ethyl alcohol	Yes	Chemicals division	Industrial alcohol producers may apply on CPA Form 2947.
Manila fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.
Molasses	Yes	Chemicals division	Applications may be filed in accordance with Conservation Order M-54.
Quinidine and salts	Yes	do	Applications may be filed in accordance with Conservation Order M-131.
Quinine and salts	Yes	do	Do.
Rubber: natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes	Rubber division	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.

NOTE 1. Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reprocessors:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code, that (i) he is a smelter or reprocessor and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from private sources of supply, foreign or domestic; (iii) his inventory of the type of materials covered by this purchase order (include this lot) will not be in excess of applicable CPA inventory restrictions; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 47-599; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 3, as Amended Jan. 17, 1947]

SURPLUS PROPERTY DIRECTIVES

Direction 3 to Priorities Regulation 13 is amended to read as follows:

(a) *Purpose of this direction.* This direction describes the very limited scope of the assistance which may be granted in the future to obtain Government-owned surplus property if available. Although under paragraph (d) (2) of Priorities Regulation 13 CPA preference ratings do not have any effect on disposals of surplus property, disposals under WAA Regulation 2 are still subject to any individual directives which the CPA may issue with respect to delivery of specified surplus property to a named buyer or class of buyers.

(b) *When the Civilian Production Administration may issue directives on a Government disposal agency.* (1) In general, if all the conditions of paragraph (b) (2) below are met, CPA directives may be issued in the following exceptional cases of public emergency or other extreme need:

(i) Where an item is needed to fill a military order which cannot be deferred without serious results to the defense program or to the health and welfare of the service personnel. (In this case a certification from the responsible military agencies recommending the issuance of a directive is required);

(ii) Where an item is needed in an emergency to eliminate serious hazard to the life, health or safety of a large number of people; or

(iii) In view of the critical shortage of domestic freight cars consideration will also be given to cases involving items of steel or iron, in the forms listed in M-21, required for the production or repair of domestic freight cars.

(2) Actions of the above kinds may be taken only on a determination in each instance that both the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable; and

(ii) The required item cannot be obtained in time with priorities assistance from new production.

(c) *Other applicable actions of the CPA.* Disposal agencies must also comply with the restrictions on special sales of the materials and products on Lists A and B of Priorities Regulation 13, and with any applicable directions to that regulation.

(d) *Communications.* All communications concerning this direction should be addressed to Civilian Production Administration, Washington 25, D. C. Reference PR-13, Direction 3.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47—596; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1015, Revocation]

DR. SHELBY ATKINSON

Suspension Order No. S-1015 was issued November 5, 1946, against Dr. Shelby Atkinson, North Little Rock, Arkansas. An appeal was filed with the Chief Compliance Commissioner. The case was reviewed by the Chief Compliance Commissioner, who directed that the suspension order be revoked forthwith. In view of the foregoing:

It is hereby ordered, That § 1010.1015, Suspension Order No. S-1015 be revoked.

Issued this 16th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-595; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-54, Revocation of Direction 1]

RELEASE OF MOLASSES FOR MANUFACTURE OF MIXED FEED

Direction 1 to Conservation Order M-54 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-601; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 16]

URGENCY CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

Direction 16 to Priorities Regulation 13 is hereby revoked. This action does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction. The CPA will no longer issue new certificates or extend the expiration date of outstanding certificates. However, every outstanding urgency certificate issued under this direction before January 17, 1947 remains valid until filled or until its expiration date, whichever is earlier.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-597; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-54, Revocation of Direction 2]

RELEASE OF MOLASSES FOR AGRICULTURAL USES

Direction 2 to Conservation Order M-54 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-602; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Direction 3]

RELEASE OF CHEMICALS NOT NEEDED FOR ALLOCATED USES

Direction 3 to General Allocation Order M-300 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-600; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-300, Revocation of Direction 6]

METHANOL

Direction 6 to Conservation Order M-300 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-603; Filed, Jan. 17, 1947; 11:17 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Amdt. 2]

PROCEDURAL REGULATIONS

The description of administrative procedures required by section 3 (a) (1) of the Administrative Procedures Act (appearing on pages 177A-634 through 177A-640 of the FEDERAL REGISTER of September 11, 1946) is amended in the following respects:

Section 1300.1101 *Procedural regulations,* is amended as follows:

1. Paragraph (c) is redesignated: *2d Revised Procedural Regulation 4 (11 F R. 14014) procedure for issuance of rationing and priorities suspension orders and determination of violations.*

2. In paragraph (c), subparagraphs (1), (2), (3), and (4) are renumbered respectively (2), (3) (4), and (5)

3. A new subparagraph (1) is inserted as follows:

(1) *Scope of regulation.* A rationing suspension proceeding and a determination proceeding may be joined and one hearing held for both.

PHILIP B. FLEMING,
Temporary Controls Administrator

JANUARY 17, 1947.

[F R. Doc. 47-509; Filed, Jan. 17, 1947; 8:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 119 (§ 1418.151)]

MAXIMUM PRICES OF CERTAIN COMMODITIES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Table A in section 39 is deleted.

2. A new item is added to Table B in section 39, to read as follows:

Commodity classification No.	Grocery item	Division factors	
		Column 1	Column 2
32	Rice	84	87

3. Section 58 is redesignated section 58 (a) and a new section 58 (b) is added to read as follows:

(b) *Automatic adjustment of maximum price.* If the maximum price in effect on January 6, 1947, applicable to sales of Hawaiian molasses in the continental United States, as established by section 35 (b) of Supplementary Regulation 14 F to the General Maximum Price Regulation, is thereafter increased by the Office of Temporary Controls, Office of Price Administration, the maximum price set forth in paragraph (a) above may be increased by an amount equal to such increase.

This amendment shall become effective January 22, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator

Statement of the Considerations Involved in the Issuance of Amendment 119 to Revised Maximum Price Regulation 373

Sugar, syrup and rice, the commodities remaining under control in the

Territory of Hawaii, are currently priced at the retail level under section 39 of Revised Maximum Price Regulation 373. Specific dollars-and-cents prices are provided for these items in Table A of that section. If the item being priced is not listed in Table A, the retailer computes his maximum price by using the applicable division (markup) factor provided in Table B. Dollars-and-cents retail prices for specific items must be revised from time to time to reflect changes in wholesale costs and landing costs. As the Territorial Office is no longer equipped to collect the necessary data, make the computations and draft appropriate amendments, the continuation of dollars-and-cents prices is not feasible. Therefore, the accompanying amendment deletes Table A from section 39, thereby bringing all sales of sugar, syrup and rice at retail within the automatic pricing provisions of Table B. A necessary concomitant of this action is the establishment of division factors for rice. The factors for rice provided by this amendment are the same as those used prior to their deletion from Table B by amendment 82 to RMPR 373 and represent the average percentage markups as were in effect on March 31, 1946.

This amendment also adds an automatic adjustment provision to section 58 under which the dollar-and-cent price fixed for molasses may be increased by the same amount of any increases granted to mainland sellers of Hawaiian molasses sold for use by feeders or feed manufacturers. The bulk of the molasses produced and sold in the Territory is used for feed, and since the Territorial price has always been geared to the price established for mainland sales and considered together, the automatic adjustment provision will remove the necessity of amending Revised Maximum Price Regulation 373 should increased prices be authorized for mainland sales of Hawaiian molasses.

For the foregoing reasons, the Administrator finds that the actions taken by this amendment are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the applicable Executive orders.

[F. R. Doc. 47-503; Filed, Jan. 17, 1947; 8:46 a. m.]

PART 1334—SUGAR

[MPR 60,[1] Amdt. 8]

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 60 is amended in the following respects:

1. Section 2 (a) (1) is amended to read as follows:

(1) The maximum basis prices for the following direct-consumption sugars per one hundred pounds, f. o. b. United States seaboard cane sugar refinery nearest freightwise to the point of delivery, shall be as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $6.20.

(ii) For sales of fine granulated beet sugar processed in Continental United States, $6.10.

(iii) For sales of fine granulated cane sugar from off-shore areas, domestic or foreign, duty paid, $6.15.

(iv) For sales of turbinado, washed-white or similar sugar from off-shore areas, domestic or foreign, duty paid, for direct consumption, $5.85.

(v) For sales of plantation granulated sugar processed from United States mainland sugar cane, $6.10.

(vi) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugar cane including but not limited to turbinado, plantation white and high-washed sugars, $6.00.

2. In section 2 (b) (1) the figure "$5.15" is substituted for the figure "4.965."

This amendment shall become effective 12:01 a. m. January 18, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: January 15, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 5 to Maximum Price Regulation 16 and Amendment No. 8 to Maximum Price Regulation 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar and direct-consumption raw sugar 18½ cents per hundredweight and of all direct-consumption sugars, except direct-consumption raw sugar, 20 cents per hundredweight.

On September 18 and November 20, 1946, it was found necessary to increase maximum prices of raw cane sugar and direct-consumption sugars by Amendments 3 and 4 to MPR 16 and Amendments 4 and 7 to MPR 60 in order to permit the Commodity Credit Corporation to continue the importation of Cuban sugar into the United States under the terms of its contract with the Cuban government. This contract contains an adjustment clause which, as explained in the statements of considerations accompanying the foregoing amendments, provides for increases in the basis price which Commodity Credit Corporation must pay for the sugar when certain increases occur in either the Consumer Price Index or the Index of Retail Food Prices as published by the Bureau of Labor Statistics.

Under the terms of section 6 (c) of the "Price Control Extension Act of 1946" Commodity Credit Corporation may not "absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, f. o. b. Cuba, (the minimum basis price established by the Cuban contract) as being paid for such sugar on June 30, 1946." Accordingly, whenever the operation of the adjustment clause in the Cuban contract results in an increase in the basis price paid by Commodity Credit Corporation, its selling price must be increased by a corresponding amount to permit it to continue to import sugar and function within its legal limits. The earlier advances in maximum prices for sugar mentioned above were based upon such increases.

However, the Secretary of Agriculture has notified the Administrator that advances in the Index of Food Prices have exceeded his previous estimates, upon which the last sugar maximum price increase was predicated, and therefore recommends that at this time it is necessary to provide the increases affected by the accompanying amendments.

These increases are made applicable to all sugars covered by the regulations as has been the case with earlier increases, for the same reasons outlined in the statements of considerations accompanying the issuance of Amendments 2 and 3 to Maximum Price Regulation 16.

[F. R. Doc. 47-610; Filed, Jan. 17, 1947; 11:29 a. m.]

PART 1334—SUGAR

[MPR 16,[1] Amdt. 5]

RAW CANE SUGAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 16 is amended in the following respects:

In sections 8 (a) (1) (i) and 8 (b) (1) the figure "4.755" is substituted for the figure "4.57."

This amendment shall become effective 12:01 a. m. January 18, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: January 15, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 5 to Maximum Price Regulation 16 and Amendment No. 8 to Maximum Price Regulation 60

The accompanying amendments to Maximum Price Regulation Nos. 16 and 60 increase the maximum prices of raw cane sugar and direct-consumption raw sugar 18½ cents per hundredweight and of all direct-consumption sugars, except direct-consumption raw sugar, 20 cents per hundredweight.

On September 18 and November 20, 1946, it was found necessary to increase maximum prices of raw cane sugar and direct-consumption sugars by Amendments 3 and 4 to MPR 16 and Amendments 4 and 7 to MPR 60 in order to permit the Commodity Credit Corporation to continue the importation of Cuban sugar into the United States under the terms of its contract with the Cuban government. This contract contains an

[1] 10 F. R. 14816; 11 F. R. 1434, 3299, 7036, 13254, 13524, 13695.

[1] 10 F. R. 10978; 11 F. R. 1434, 3201, 13634.

adjustment clause which, as explained in the statements of considerations accompanying the foregoing amendments, provides for increases in the basis price which Commodity Credit Corporation must pay for the sugar when certain increases occur in either the Consumer Price Index or the Index of Retail Food Prices as published by the Bureau of Labor Statistics.

Under the terms of section 6 (c) of the "Price Control Extension Act of 1946" Commodity Credit Corporation may not "absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, f. o. b. Cuba, (the minimum basis price established by the Cuban contract), as being paid for such sugar on June 30, 1946." Accordingly, whenever the operation of the adjustment clause in the Cuban contract results in an increase in the basis price paid by Commodity Credit Corporation, its selling price must be increased by a corresponding amount to permit it to continue to import sugar and function within its legal limits. The earlier advances in maximum prices for sugar mentioned above were based upon such increases.

However, the Secretary of Agriculture has notified the Administrator that advances in the Index of Food Prices have exceeded his previous estimates, upon which the last sugar maximum price increase was predicated, and therefore recommends that at this time it is necessary to provide the increases affected by the accompanying amendments.

These increases are made applicable to all sugars covered by the regulations as has been the case with earlier increases, for the same reasons outlined in the statements of considerations accompanying the issuance of Amendments 2 and 3 to Maximum Price Regulation 16.

[F. R. Doc. 47-609; Filed, Jan. 17, 1947; 11:29 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Miami Area,[1] Amdt. 24 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN MIAMI

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 2 (b) (5) is amended to read as follows:

(5) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than ten days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (h) to read as follows:

(h) *Optional decontrol of daily rates.* (1) On and after February 1, 1947, any landlord who is the proprietor or operator of an establisment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH-DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2) then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH-DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may thereafter be rented for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH-DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (h)

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (h) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the rent regulation for housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH-DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (h) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1).

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other

[1] 10 F. R. 318, 2405, 5090, 9445, 11071, 15212; 11 F. R. 4015, 5951, 6136, 8164, 10510, 12946.

permanent rooms for those listed in the original application: *Provided, however* That no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (7) *And provided further* That the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (h)

4. Section 13 (a) is amended by adding paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (h) which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them exservicemen and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6).

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2).

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-608; Filed, Jan. 17, 1947; 11:28 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, New York City Area,[1] Amdt. 31 (§ 1388.1291)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN NEW YORK CITY AREA

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 2 (b) (5) is amended to read as follows:

(5) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than 10 days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (h) to read as follows:

(h) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH-DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2) then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director,

[1] 11 F. R. 4025, 5951, 5323, 8164, 10529, 12948.

whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may be rented thereafter for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH–DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (h)

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h) shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (h) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the Rent Regulation for Housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH–DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (h) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1)

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other permanent rooms for those listed in the original application provided, however, that no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (7) *And provided, further* that the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (h)

4. Section 13 (a) is amended by adding paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (h) which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them ex-service men and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away

with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6)

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2)

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-607; Filed, Jan. 17, 1947; 11:28 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Court,[1] Amdt. 102 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts is amended in the following respects:

1. The first paragraph of section 2 (b) (6) is amended to read as follows:

(6) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than ten days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (k) to read as follows:

(k) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH-DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of Section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2) or 2 (b) (5) then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH-DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may be rented thereafter for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH-DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (k)

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (6) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this Section 4 (k), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (k) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the rent regulation for housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH-DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (k) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1).

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other permanent rooms for those listed in the original application provided, however, that no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient

[1] 11 F. R. 13032, 13056, 13305, 14013.

hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (8) *And provided, further* That the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (k)

4. Section 13 (a) is amended by adding Paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (k) which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator

Statement To Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them ex-service men and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6)

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2)

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-606; Filed, Jan. 17, 1947; 11:28 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

The War Assets Administrator has determined that there is an urgent need by educational and public-health institutions for various types of equipment, which need in the case of educational institutions has become acute because of an abnormal increase in enrollment in the face of an accelerated obsolescence of existing equipment; that in the case of elementary and secondary educational institutions present facilities are wholly inadequate to provide proper instruction, and existing budgets are insufficient to enable said institutions to purchase the needed equipment; that with respect to public-health institutions a similar situation exists because of increased demands for health services, and the need for suitable equipment is acute.

The War Assets Administrator has further determined that the property which is listed in Exhibit A herein is critically needed by such educational and public-health institutions, that such property is suitable for educational and public-health use, and that it would be of great public benefit to make such property available to said institutions at a nominal price.

In view of the foregoing considerations, the War Assets Administrator finds that the benefit which will accrue to the United States from the use of such property by educational and public-health institutions justifies disposal to them of such property at a nominal price, approximately sufficient to cover the cost of disposition, and that such nominal price should be five (5) percent of the fair value of the property as established by the disposal agency.

Pursuant to the foregoing, it is hereby ordered that:

§ 8314.57 *Disposal of personal property to educational and public-health institutions and instrumentalities.* (a) Notwithstanding the provisions of § 8314.9 of this part, disposal agencies, after making such provisions as may be necessary for offerings to priority claimants in accordance with the provisions of Part 8302,[2] are hereby authorized to sell property listed in Exhibit A herein to educational and public-health institutions and instrumentalities, as defined in § 8314.1, whose orders have been approved by the War Assets Administration, at a price equivalent to five (5) per cent of the fair value thereof, f. o. b. location.

(b) In considering applications or orders of individual educational institutions or instrumentalities for property listed in Exhibit A, special consideration shall be given to the needs of elementary and secondary educational institutions.

(c) Applications or orders for instructional equipment which have been or shall be approved by the Federal Works Agency, in accordance with § 8314.56[3] of this part, shall not be affected by the provisions of this section.

(d) When any of the property listed in Exhibit A herein is or shall be in conflict with any list of property set aside for veterans under Part 8302[2] as now or hereafter in effect, the provisions of Part 8302 shall be controlling.

[1] 11 F. R. 11505.

[2] Reg. 2 (11 F. R. 14267; 12 F. R. 152).

[3] Reg. 14, Order 6 (11 F. R. 11704, 14106).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and E. O. 9689 (11 F. R. 1265).)

This section shall become effective January 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 13, 1947.

EXHIBIT A—CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE

Commodity Code Classification	
41 4400	Object detection apparatus (Radar and Loran).
58 4990	Field hospital food carts.
58 5810	Field hospital laboratory incubators.
58 8210	Tracing paper, transparentized.
59 2100	Mobile and water purification units.
59 2900	Thermo-compression distillation units.
79 7903	Carbon paper.
79 7911	Typewriter ribbons (ink ribbons)
96 5442	Child care equipment units.
96 5450	Clinical and infirmary equipment units.

[F. R. Doc. 47-605; Filed, Jan. 17, 1947; 11:28 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

The functions of the Director of War Mobilization and Reconversion authorized by subsections (c) (1) (c) (2) (c) (3) and (c) (4) of section 101 of the War Mobilization and Reconversion Act of 1944 (58 Stat. 785) having been transferred to the President by paragraph 4 of Executive Order 9809, December 12, 1946 (11 F. R. 14281) Foreign Liquidation Commissioner Regulation 8, Order 6 of September 18, 1946 (11 F. R. 10709, Departmental Regulation 108.22) is hereby revised and amended as herein set forth. Supplements 1, 2, and 3 to Order 6, dated November 6, 1946, November 14, 1946, and December 17, 1946 (11 F. R. 13443, 13637, 14634; Departmental Regulations 108.32, 108.33 108.35) are hereby superseded.

The President has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed for reconversion in the United States, and has requested the Secretary of State to take such action as may be necessary and appropriate to permit the importation of such materials into the United States for use by American industry.

It is hereby ordered, That § 8508.15 *Importations into the United States* (11 F R. 13424) shall not apply to prevent the importation of surplus property specified in Schedule A attached hereto as the same now stands or may hereafter be amended or supplemented to include additional materials designated by the President as necessary for reconversion in the United States.

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

(58 Stat. 765; 59 Stat. 533; Pub. Law 375, 79th Cong., 60 Stat. 168; Pub. Law 584, 79th Cong., 60 Stat. 754, 50 U. S. C. App. Sup. 1611)

Issued this 14th day of January 1947.

JAMES F. BYRNES,
Secretary of State.

SCHEDULE A

Automotive and transportation equipment:
- Automobiles: passenger.
- Automotive maintenance shop equipment: such as auto jacks and lifts, brake servicing machines, motor testing equipment, valve grinders, etc.
- Automotive parts.
- Batteries: storage, automotive.
- Tire chains: passenger and truck.
- Trucks: all sizes, new and used (including jeeps).

Building materials and equipment:
- Boards, dimension and timber.
- Boilers: cast iron or steel: coal, oil or gas fired: domestic type.
- Builders' hardware.
- Buildings: prefabricated.
- Building units: prefabricated.
- Cloth: wire and insect screening: 12 to 24 mesh.
- Conduit: electrical; all types; 1½" and under.
- Conduit fittings: 1½" and under.
- Fittings for copper water tube.
- Glass: window: double and single strength.
- Pipe: asbestos-cement.
- Pipe covering: molded: for low pressure steam and water piping: 4" and under.
- Pipe fittings and unions: screwed: 150 lb. SWP, malleable iron and 125 lb. SWP, gray cast iron: sizes 4" and under.
- Pipe: sewer, clay; all sizes.
- Plumbers' cast iron specialties.
- Plumbing fixtures, fixture fittings and trim.
- Pumps: condensation and vacuum heating: up to 1,000 lbs. per hour.
- Wiring devices: electrical (toggle switches, face plates, lampholders [sockets and receptacles], BX and Romex type connectors, outlet switch and receptacle boxes, convenience receptacles), except special military and appliance types.

Construction machinery and equipment:
- Cranes: power: crawler-, tractor- wheel- or truck-mounted: all classes and sizes: with or without shovel, dragline or other earthmoving attachments.
- Crane attachments for earthmoving: shovel fronts, draglines, clamshell buckets, etc.
- Ditchers and trenchers.
- Graders: road: motorized and drawn.
- Scrapers: carry type: motorized and drawn, 6 cu. yd. and larger.
- Tractors: crawler types: all classes and sizes, with or without bulldozer, angledozer, front end loader and other attachments.

Drugs and chemicals: Glycerine, other than medical grade.

Electrical equipment and supplies:
- Bushings, porcelain: transformer and switchgear.
- Circuit breakers: all capacities and voltages.
- Generator sets: portable and stationary, diesel driven, 50 kw and up.
- Motors: fractional hp, AC, standard specifications.
- Motors: standard specifications, AC and universal types, 110, 220 and 440 V, 60 cycles.
- Pole line hardware: all types.
- Switchgear: all capacities and voltages.
- Wire and cable: aluminum: solid, stranded or steel reinforced; bare, waterproofed, insulated, lead covered or armored.

Machinery and allied equipment:
- Belting: conveyor.
- Belting: farm machinery types.
- Boring mills: horizontal and vertical.
- Diesel power units: 70 to 250 hp.
- Engines and hoists: logging, 100 to 300 hp (donkey engines).
- Lathes: standard engine types.
- Milling machines, horizontal: plain and universal.
- Milling machines: small die cutting types.
- Presses: all types and sizes.
- Pumps: deep well.
- Refrigeration equipment: heavy industrial and commercial.
- Refrigeration equipment: repair and replacement parts.
- Sawmills: portable.
- Tractors: wheel types, 10–35 DBHP.
- Water purification equipment: including tanks, softening, chlorinating and filtering equipment.

Metals and metal products:
- Aluminum: sheet, coils, bars, and rods.
- Copper sheet.
- Copper pipe and tube, 2" and under.
- Scrap: metal: ferrous and non-ferrous.
- Steel mill products: carbon steel.

Miscellaneous:
- Containers: steel.
- Cylinders: acetylene gas.
- Hypochlorination units.
- Radio tubes.
- Telephone and telegraph equipment.

Paper and paper products:
- Paper: bond.
- Paper: mimeograph.
- Paper: printing.
- Tissue: toilet.

Professional and scientific apparatus, equipment and supplies:
- Dental supplies.
- Dental units: including handpieces and accessories.
- Drafting instruments (sets), machines and accessories.
- Medical diagnostic instruments and equipment.
- X-ray apparatus, equipment and accessories: including dental.

Textiles, textile products:
- Bags: burlap: new and used.
- Clothing, work (new only).
- Gloves, work: all kinds (new only).
- Pillow cases.
- Rope, finished: manila and sisal.
- Sheets, cotton: bed.

All C-47, C-54 and C-45 aircraft, together with their component parts, which have not been the subject of disposition as surplus to a foreign government or to private interests domiciled outside the United States, its territories and possessions.

The approximate quantities of materials listed below, located in Canada on September 18, 1946 (11 F. R. 10709):

100 tons of high grade alloy steel sheet bar and tubing.

20 tons of phosphor bronze and manganese bronze bar and tubing and copper and monel sheets.

[F. R. Doc. 47-512; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend paragraph (e) § 21.117, *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F R. 14517) by adding the following:

Between	Rate postal gold francs per gross kilogram
United States and Shanghai, China	94.50

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-489; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 338[1]]

NEVADA

WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
sec. 1, SE¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described land.

(36 Stat. 847; 43 U. S. C. 141, E. O. 9377, April 24, 1943, 3 C. F. R. Cum. Supp.)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

JANUARY 7, 1947.

[F. R. Doc. 47-492; Filed, Jan. 17, 1947; 8:48 a. m.]

[1] See Notice for Filing Objections to Public Land Order 338, F. R. Doc. 47-493, under Department of the Interior, Office of the Secretary, in Notices section, *infra*.

[Public Land Order 339]

MONTANA

REVOKING PUBLIC LAND ORDER NO. 134 OF JUNE 7, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

Public Land Order No. 134 of June 7, 1943, withdrawing the hereinafter-described public lands for the use of the War Department for aviation purposes, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 134 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 12, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 12, 1947, to June 10, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 20, 1947, to March 12, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 12, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 11, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 22, 1947, to June 11, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 11, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Billings, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 16 N., R. 23 E.,
sec. 31, SE¼SE¼.[1]

The area described contains 40 acres.

This land is in an area which comprises low table land with some good soil. (36 Stat. 847; 43 U. S. C. 141, E. O. 9377, April 24, 1943, 3 CFR Cum. Supp.)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 8, 1947.

[F. R. Doc. 47-494; Filed, Jan. 17, 1947; 8:48 a. m.]

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 338 under the Appendix to this Title, which takes precedence over, but does not modify, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5.

[1] The NE¼SE¼ sec. 18 was erroneously described as public land in Public Land Order No. 134. It was patented October 9, 1920.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—National Archives

Subchapter B—National Archives Council

PART 11—REGULATIONS RELATING TO THE DISPOSAL OF RECORDS

Sec.

AUTHORITY: §§ 11.1 to 11.3, inclusive, issued under sec. 2, 57 Stat. 381; 44 U. S. C., Sup. 367.

§ 11.1 *Compilation and submission of lists and schedules of records proposed for disposal.* All lists or schedules of records submitted to the Archivist of the United State in compliance with the provisions of section 3 of the act of July 7, 1943 (57 Stat. 381, 44 U. S. C., Sup. 368) shall be submitted on forms supplied or approved by the Archivist in the number of copies required by him and shall contain such information as may be called for by the said forms and by instructions issued by the Archivist. The said lists or schedules shall be accompanied by samples of the several items proposed therein for disposal unless the Archivist shall have waived this requirement.

§ 11.2 *Procedures for the disposal of records authorized for disposal.* Whenever any records shall have been authorized for disposal in accordance with the provisions of sections 6, 7, or 8 of the act of July 7, 1943, as amended July 6, 1945 (57 Stat. 381, 382, 59 Stat. 434; 44 U. S. C., Sup., 371–373) and whenever any records of types that have been proposed for disposal in schedules approved in accordance with the provisions of section 6 of the said act have been in existence for the periods specified in such schedules, the agency or agencies having the custody of such records shall, subject to the proviso in section 6 and the provisions of section 9 of the act of July 7, 1943 (57 Stat. 382; 44 U. S. C., Sup., 374) (a) cause the said records to be sold as waste paper: *Provided*, That, unless the said records shall have been treated in such a manner as to destroy their record content, any contract for sale of them shall prohibit their resale as records or documents; (b) cause them to be destroyed, if they cannot advantageously be sold or if, in the opinion of the head of the agency having custody of said records, destruction is necessary to avoid the disclosure of information that might be prejudicial to the interests of the Government or of individuals; or (c) cause them to be transferred, with the approval of the Archivist of the United States and without cost to the United States Government, to any government, organization, institution, corporation, or person that has made application for them.

§ 11.3 *Standards for the photographic reproduction of records with a view to the disposal of the original records.* The standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records shall be as follows:

(a) The records shall be photographed in such order that the integrity of the files will be preserved.

(b) All photographic film or paper used and the processing thereof shall comply with the minimum standards approved by the National Bureau of Standards for permanent photographic reproduction of records or for temporary photographic reproduction of records authorized for disposal after the lapse of a specified time.

(c) The reproductions shall be placed in conveniently accessible files and adequate provisions shall be made for preserving, examining, and using them.

I hereby certify that §§ 11.1 to 11.3, inclusive, were unanimously adopted by the National Archives Council on July 30, 1945, were approved by the President of the United States on August 8, 1945, and were promulgated on August 15, 1945, by transmittal of copies thereof to the heads of all agencies of the United States Government.

SOLON J. BUCK,
Chairman of the National Archives Council.

JANUARY 15, 1947.

[F. R. Doc. 47-482; Filed, Jan. 17, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[File Nos. T-D-666 and 670]

PART 1—RULES RELATING TO ORGANIZATION AND PRACTICE AND PROCEDURE

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

MISCELLANEOUS AMENDMENTS

In the matter of Rules Relating to section 214 of the Communications Act of 1934, as amended: Discontinuance, Reduction and Impairment of service; and applications of The Western Union Telegraph Company for authority to reduce hours of service at main and branch offices under specified standards and conditions.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission, having under consideration applications filed under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File Nos. T-D-666 and 670, for authority to reduce the hours of service at main and branch offices under specified standards and conditions; also having under consideration protests from The Commercial Telegraphers' Union, Telegraph Employees' Union, Telegraph Workers' Union, The Communication Workers International Union, and the American Communications Association, C. I. O.,

It appearing that public convenience and necessity might be adversely affected in some cases by a grant of authority to make reductions in hours at main and branch offices under the standards and conditions proposed in the applications and that further conditions are necessary, therefore, to protect the interests of the public; and

It further appearing that, with proper conditions, as herein set forth, the authority sought by The Western Union Telegraph Company should be granted; and

It further appearing that the Commission's rules and regulations should be amended to incorporate the procedure to be followed and the standards and conditions to be met;

It is ordered, That the rules, designated as §§ 63.67 and 63.68 and Appendices G and H of Part 63 of the Commission's rules and regulations, be, and they are hereby, adopted as rules of the Commission; and

It is further ordered, That Part 63 of the Commission's rules and regulations, entitled "Extension of Lines and Discontinuance of Service by Carriers" be, and it is hereby, amended, in the following respects:

1. Section 63.62 (c) (11 F. R. 11214) is amended to read as follows:

§ 63.62 *Type of discontinuance, reduction or impairment of telephone or telegraph service requiring formal application.* * * *

(c) The closure of, or reduction of hours of service at, a public telegraph office, except that this paragraph shall not apply to the classes of cases specified in §§ 63.64, 63.66, 63.67 and 63.68 hereof where the carrier elects to follow the procedure prescribed in those sections: (For contents of application see Appendices C and D).

2. Section 63.90 *Publication and posting of notices* (11 F. R. 11215) is amended by inserting the words "(except a request under §§ 63.67 or 63.68)" after the words "informal request" in the first lines of paragraphs (a), (b), and (c), and

It is further ordered, That Part 1 of the Commission's rules and regulations, entitled "Rules Relating to Organization and Practice and Procedure" be, and it is hereby, amended in the following respects:

1. Paragraph (e) of § 1.145[1] *Authority delegated to secretary upon securing the approval of the Law, Engineering and Accounting departments* is amended by changing "63.66" in the next to the last line to "63.68"

2. Section 1.526[2] *Application for discontinuance, reduction, or impairment of service* is amended by changing "63.66" in the seventh line to "63.68"; by changing "F" in the seventh line to "H"; and by changing "§ 63.90" in the ninth line to §§ 63.67, 63.68 or 63.90"

§ 63.67 *Alternative procedure in certain specified cases where authority to reduce hours at main telegraph offices is desired.* (a) In lieu of filing formal

[1] 11 F. R. 177A-407, 13973.
[2] 11 F. R. 177A-429.

application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at main offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of eight hours per day at the main[1] office;

(2) Applicant will provide substitute service, at no additional tariff charge, during the hours to be deleted, through another office of the applicant located in the same community as the main office at which the reduction is made;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the main office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than 2 messages per hour during the total hours to be deleted and not greater than 4 messages per hour during the maximum traffic hour to be deleted;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for main offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in Appendix G, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the main office is located. Applicant will make no such reductions until fifteen days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular main office if advised by the Federal Communications Commission within such fifteen day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any main office as authorized under this section, the applicant will forthwith reestablish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of fourteen consecutive days, seven days of which shall be prior to the effective date of such reduction and seven days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of _____ m. to _____ m. to the hours _____ m. to _____ m., effective, _____. Substituted service will be available from _____ m. to _____ m. at the _____ office located at _____ _____ (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the fifteenth day following the date of filing of such request with the Commission unless on or before the fifteenth day the Commission shall notify the carrier to the contrary.

§ 63.68 *Alternative procedure in certain specified cases where authority to reduce hours at branch telegraph offices is desired.* (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at branch offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of eight hours per day at the office at which hours are to be reduced;

(2) Alternate service, at no additional tariff charge, will be available at a company-operated main or branch office located in the community, which will be open during the hours to be deleted and will have equal or better pickup and delivery facilities during those hours which will be available to the area served by the office at which hours will be reduced;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the branch office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than:

(i) 2 messages per hour during the total hours to be deleted and not greater than 4 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph is located more than one mile from the office at which hours are to be reduced; or

(ii) 4 messages per hour during the total hours to be deleted and not greater than 6 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph, is located more than one quarter of a mile but not more than one mile from the office at which hours are to be reduced; or

(iii) 6 messages per hour during the total hours to be deleted and not greater than 8 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph above, is located not more than one quarter of a mile from the office at which hours are to be reduced;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for branch offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in Appendix H, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the office is located. Applicant will make no such reductions until fifteen days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular branch office if advised by the Federal Communications Commission within such fifteen day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any branch office as authorized under this section, the applicant will forthwith re-establish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of fourteen consecutive days, seven days of which shall be prior to the effective date of such reduction and seven days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of _____ m., to _____ m., to the hours _____ m., to _____ m., effective _____. Substituted service will be available from _____ m., to _____ m., at the _____ office located at _____ (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the fifteenth day following the date of filing of such request with the Commission unless on or before the fifteenth day the Commission shall notify the carrier to the contrary.

[1] The term "main office" as used in this section includes Class 1 and Class 3 offices. A Class 1 office is the principal office or the only office of the telegraph company in the municipality. A Class 3 office is also the only or principal office in the municipality but for administrative purposes it is supervised by a Class 1 office in another municipality.

APPENDIX G

F. C. C. File No. T-D- ____

Name of applicant _____
Address _____
In the matter of proposed reduction in main office hours pursuant to § 63.67 of the Commission's rules.
Month _____ Year ____

Data Regarding Main Office

Address of office _____
Class of office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for month of _____, 194__, during total hours to be deleted _____
Average hourly number of messages filed for month of _____, 194__, during maximum traffic hour to be deleted _____
Present tariff listing.

Data Regarding Substitute Office

Address of substitute office _____
Class of office and method of operation of substitute office _____
Distance in feet from main office _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed tariff listing.

APPENDIX H

F. C. C. File No. T-D- ____

Name of applicant _____
Address _____
In the matter of proposed reduction in branch office hours pursuant to § 63.68 of the Commission's rules.
Month _____ Year ____

Data Regarding Branch Office

Address of Office _____
Class of Office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for the month of _____, 19____, during total hours to be deleted _____
Average hourly number of messages filed for the month of _____, 19____, during maximum traffic hours to be deleted _____

Data Regarding Substitute Office

Address of substitute office _____
Distance in feet from office at which reduction is proposed _____
Class and method of operation of substitute office _____
Will substitute office provide equal or better pick-up and delivery facilities during hours to be deleted? _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____

It appearing, that the effect of this order is to relieve telegraph carriers of certain restrictions; that notices of the filing of the applications herein were served on interested parties who have had an opportunity to file their comments and objections; and that after considering carefully these comments and objections the Commission has concluded that the public notice and procedure provided for by section 4 of the Administrative Procedure Act are unnecessary;

It is ordered, That this order is hereby made effective immediately.

(Sec. 4 (i) sec. 214, 48 Stat. 1066, 1075; 47 U. S. C. 154 (i), 214)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-497; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this Chapter, F. R. Docs. 47-531 and 47-532, *infra.*

[Gen. Permit ODT 18A, Rev. 29]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW IMMATURE IRISH POTATOES OF VARIETY KNOWN AS BLISS TRIUMPH

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby authorized, that:

§ 520.529 *Shipments of new immature Irish potatoes of the variety known as Bliss Triumph.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), and Items 465, 470, 475, 480 (c) and 600 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008, 10 F. R. 2523, 3470, 14906, 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new immature Irish potatoes of the variety known as Bliss Triumph when the quantity thereof loaded in each car is not less than 30,000 pounds when packed in sacks, paper, cloth or burlap, or not less than 31,500 pounds when packed in boxes, crates, barrels, baskets or tubs.

This General Permit ODT 18A, Revised-29, shall become effective January 17, 1947, and shall expire at 11:59 p. m., March 31, 1947, unless otherwise ordered.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 14th day of January 1947.

HOMER C. KING, *Deputy Director of the Office of Defense Transportation.*

[F. R. Doc. 47-532; Filed, Jan. 17, 1947; 8:51 a. m.]

[Gen. Permit ODT 18A-1A, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A-1A (9 F. R. 117) is hereby amended by striking from § 520.493 thereof item numbered 20, reading as follows:

20. Cement. In packages, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

This Amendment 1 to General Permit ODT 18A-1A shall become effective January 17, 1947.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 14th day of January 1947.

HOMER C. KING, *Deputy Director of the Office of Defense Transportation.*

[F. R. Doc. 47-531; Filed, Jan. 17, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 721]

CORN

CORN ACREAGE ALLOTMENTS AND CORN MARKETING QUOTAS

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup., 1301–1393) the Secretary of Agriculture is required by sections 327 and 328 thereof to proclaim, not later than February 1, the commercial corn-producing area and the acreage allotment of corn for the calendar year 1947. In preparing to issue such proclamations the Secretary has under consideration sections 304 and 371 (b) of the act, which provide that the marketing quota provisions thereof shall not be invoked or continued in effect with respect to any one of the several basic commodities in case the Secretary finds a suspension or termination of the provisions necessary to protect consumers or to meet a national emergency.

Any interested persons may submit their views in writing with respect to the proclamations to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than January 23, 1947.

Issued at Washington, D. C., this 14th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator

[F. R. Doc. 47-500; Filed, Jan. 17, 1947; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket Nos. 250, et al., 2142, et al.]

WEST COAST CASE; CONSOLIDATION OF ROUTES

NOTICE OF ORAL ARGUMENT

In the matter of a further argument and reconsideration of that portion of the Board's decision in the so-called West Coast case which denied the application of American Airlines, Inc., to engage in air transportation service between San Francisco and points on route 4 other than Los Angeles and in the matter of argument of applications by Transcontinental & Western Air, Inc., United Air Lines, Inc., and American Airlines, Inc., for consolidation of certain routes.

Notice is hereby given that oral argument in the above matters is assigned to be held on February 3, 1947, 10 a. m., eastern standard time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 15, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-503; Filed, Jan. 17, 1947; 8:47 a. m.]

DEPARTMENT OF STATE

CONTROL OF CERTAIN DOCUMENTS AND OTHER ITEMS REMOVED FROM PERSONAL PROPERTY OF STAFFS OF FORMER GERMAN DIPLOMATIC OR CONSULAR ESTABLISHMENTS IN UNITED STATES

By virtue of the authority vested in me by Executive Order 9760 dated July 23, 1946 (11 F R. 7099) and pursuant to law, the undersigned, after appropriate investigation and consultation, finding:

(1) That members of the staffs of former German diplomatic and consular establishments in the United States had included within the baggage, personal effects and household goods stored in various warehouses in the United States, to which the Secretary of State had made reference in a General Supervisory Order (Public Notice 170, issued July 25, 1946) books, documents, papers, photographs, maps, films, ledgers, files, and various other items believed to contain information concerning German activities in the United States, together with radios and other equipment believed to have been used to facilitate communications concerning German activities in the United States;

(2) That under the provisions of law and for the security and safety of the United States in wartime it was deemed advisable to remove all such books, documents, papers, photographs, maps, films, radios, and other pertinent materials for investigation and study by appropriate agencies of this Government;

(3) That it is necessary in the interest of national security,

hereby undertakes the direction, management, supervision, maintenance, and control, to the extent deemed necessary and advisable from time to time by the undersigned, of the property referred to above.

The action taken herein shall not be construed to limit the power of the Secretary of State to vary the extent of such direction, management, supervision, maintenance, or control, or to terminate the same.

Issued this 14th day of January 1947.

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 47-513; Filed, Jan. 17, 1947; 8:51 a. m.]

POST OFFICE DEPARTMENT

EMBOSSED STAMPED ENVELOPES

DISCONTINUED VARIETIES AGAIN AVAILABLE

In view of the increased production of the Stamped Envelope Factory, the Department is again in a position to furnish the varieties of stamped envelopes listed below:

1. Sizes No. 7 and 9—3¢, both standard and extra, printed and unprinted, white only.
2. Sizes No. 5, 8 and 13—1¢ precanceled, standard and window, printed and unprinted, white only.
3. Size No. 8—5¢ air mail, printed and unprinted, white only.

Postmasters, before accepting orders from patrons for printed air mail envelopes, should advise them that the return card will be printed in blue ink.

Orders for any of these envelopes may be submitted by postmasters at first-class offices directly to the Third Assistant Postmaster General, Division of Stamps, Post Office Department, while district postmasters should requisition them from their Central Accounting postmaster with the exception of the special request and unprinted precanceled envelopes, which are to be ordered direct from the Third Assistant Postmaster General, Division of Stamps.

(R. S. 3915, as amended; 39 U. S. C. 354)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-490; Filed, Jan. 17, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

The order of the First Assistant Secretary of the Interior, dated December 26, 1922, modifying certain stock driveway withdrawals in Wyoming under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C., sec. 300, is hereby revoked so far as it affects the following-described lands which are within Stock Driveway Withdrawal No. 128, Wyoming No. 13.

These lands are mountainous and rocky in character with vegetation con-

sisting of bluestem, blackroot, and buckbrush, with a scattered growth of scrub pine timber having no commercial value. They are primarily suitable for grazing.

This order shall become effective immediately as to the leasing of the lands for grazing but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on February 28, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 28, 1947, to May 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 8, 1947 to February 28, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 28, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from May 12, 1947 to June 2, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Buffalo, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Buffalo, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 85 W.,
sec. 30, lot 5, NE¼, and E½NW¼.
T. 41 N., R. 86 W.,
sec. 25, NE¼NE¼.

The areas described aggregate 322.17 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 27, 1946.

[F. R. Doc. 47-491; Filed, Jan. 17, 1947; 8:48 a. m.]

Office of the Secretary

NEVADA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 338,[1] WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order No. 338, of January 7, 1947, withdrawing the SE¼SW¼ sec. 1, T. 21 S., R. 61 E., M. D. M., Nevada, for the use of the Bureau of Land Management as an administrative site, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

JANUARY 7, 1947.

[F. R. Doc. 47-493; Filed, Jan. 17, 1947; 8:48 a. m.]

[1] See Title 43, Chapter I, Appendix, *supra*.

[Order No. 2283]

FIREWOOD ON PUBLIC LANDS

EMERGENCY USE BY PUBLIC

Order No. 2282 dated December 6, 1946, (11 F R. 14329) authorizing free use of dead and down timber from vacant, unappropriated and unreserved public lands, under the conditions therein specified, is hereby revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 8, 1947.

[F. R. Doc. 47-495; Filed, Jan. 17, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-239 and G-353]

TEXAS GAS UTILITIES CO.

NOTICE OF ORDER DETERMINING STATUS UNDER NATURAL GAS ACT, AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 15, 1947.

Notice is hereby given that, on January 14, 1947, the Federal Power Commission issued its order determining status under Natural Gas Act, and issuing certificate of public convenience and necessity, entered January 14, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-594; Filed, Jan. 17, 1947; 8:46 a. m.]

[Project No. 1955]

SAVANNAH RIVER ELECTRIC CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE (MAJOR)

JANUARY 15, 1947.

Notice is hereby given that, on January 14, 1947, the Federal Power Commission issued its order dismissing application for license (major) entered January 14, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-596; Filed, Jan. 17, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-365]

PACIFIC COAST MORTGAGE CO.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of January A. D. 1947.

Notice is hereby given that Pacific Coast Mortgage Company has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order modifying the Commission's

order of May 21, 1946, which declared the Applicant to be no longer an investment company and terminated its registration under the Investment Company Act subject to the continued applicability of sections 17, 30, 36 and 37 of the act pending the distribution of all of the Applicant's assets. The application requests the Commission to issue an order providing that section 30 (a) of the act shall no longer be applicable to the Applicant and that section 30 (d) shall be applicable only to require the transmission to the stockholders at the close of the Applicant's fiscal year of an annual report in the form required by section 30 (d)

All interested parties are referred to said application on file in the offices of the Commission for a more detailed statement of the request and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby:

(1) Whether compliance with section 30 (a) by the Applicant is still necessary for the protection of its investors; and

(2) Whether compliance with section 30 (d) by the Applicant is still necessary for the protection of its investors beyond a requirement that the Applicant furnish to stockholders at the close of its fiscal year an annual report in the form required by section 30 (d)

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 29, 1947 at 9:45 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Penna.

It is further ordered, That William W Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named Applicant, Pacific Coast Mortgage Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 27, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-485; Filed, Jan. 17, 1947; 8:49 a. m.]

[File No. 70-1318]

CONSUMERS POWER CO. AND MICHIGAN GAS STORAGE CO.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Consumers Power Company ("Consumers") a subsidiary of The Commonwealth & Southern Corporation ("Commonwealth") a registered holding company, and Michigan Gas Storage Company ("Storage Company") a corporation newly organized by Consumers, having filed an application-declaration and amendments thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 regarding, among other things, the issuance and sale by Storage Company of 199,990 additional shares of its common stock and the acquisition by Consumers of 10 incorporators' shares and up to 179,990 additional shares of such stock; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective subject to the terms and conditions provided in Rule U-24.

It is further ordered, That an exemption from the competitive bidding requirements of subsection (b) and (c) of Rule U-50 be granted with respect to the issuance and sale of common stock of Storage Company to Panhandle Eastern Pipe Line Company, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-487; Filed, Jan. 17, 1947; 8:49 a. m.]

[File No. 70-1412]

INDIANA GAS & WATER CO., INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Indiana Gas & Water Company, Inc. ("Gas-Water"), a public utility subsidiary of Public Service Company of Indiana, Inc. and an indirect subsidiary of The Middle West Corporation, a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof with respect to transactions of which the following is a summary:

Gas-Water proposes to issue $990,000 aggregate principal amount of its first mortgage bonds, 3%, series due 1972, one half of said principal amount to be issued to each of two life insurance companies, viz., Aetna Life Insurance Company and New England Mutual Life Insurance Company. Said bonds are to be issued under and secured by a supplemental indenture under the indenture securing the company's outstanding 3⅛% first mortgage bonds. Gas-Water proposes to sell the said bonds for an aggregate principal amount of $998,712 plus accrued interest. The net proceeds, after deducting fees and expenses estimated at $19,414, which amount includes a finder's fee of $7,500, are proposed to be used to refund the note indebtedness of Gas-Water presently outstanding in the principal amount of $500,000, and for additions to the company's gas and water utility facilities.

Said application having been filed on December 4, 1946, and an amendment thereto having been filed on December 26, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that the Commission's order granting the application be issued at any early date and became effective forthwith in order to permit the consummation of the proposed transactions not later than January 24, 1947, and the Commission deeming it appropriate to grant such request; and

The Commission finding that the Public Service Commission of Indiana has expressly authorized the transactions hereinabove set forth and the Commission being satisfied on the basis of the record that the applicable requirements of the act, particularly section 6 (b) thereof, are met, and that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted;

It is hereby ordered, Effective forthwith, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-486; Filed, Jan. 17, 1947; 8:49 a. m.]